

CITY OF ERIE
POLICE DEPARTMENT

Date: 02/01/2002

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Case Description:
SEX OFFENSE

Case Number: [REDACTED]

Associated Case #1: -

Associated Case #2: -

Primary Victim: P [REDACTED], R [REDACTED]

Date/Time Reported: 01/11/02 9:50 Hrs.

Dispatch Incident Type:

Date/Time Occurred: 12/19/01 0:00 Hrs.

Sex Crime

Date/Time Between: 01/07/02 0:00 Hrs.

Location Occurred: 1330 W 8 ST

Area: Area 2

Section: Section A

Beat: 1

Reporting Officer: 204 B [REDACTED] PAMELA [REDACTED]

Primary Unit Assigned to Investigate: Detective

Case Status: Open

Disposition: Closed

Disp. Date: 01/29/02

Offense Number: 1

Crime Code: 03122 STATUTORY SEXUAL ASSAULT

Statute: CC3122-1

Attempted/Committed: Committed

Stat Desc: STATUTORY SEXUAL ASSAULT

Statute ORI/Group: S

Agg Aslt/Homc Crmst:

Counts: 001

Larceny/Theft Offense:

Offense Date:

Victim Drug Related:

Abandoned Structure: NO

Property Damage:

SUBJECTS:

Arrestee: Present Information

Primary: C [REDACTED], B [REDACTED]

Phone: [REDACTED]

Arrest-Juv [REDACTED]

Race: [REDACTED] Sex: [REDACTED]

D.O.B: [REDACTED] Age: [REDACTED]

Hgt: [REDACTED] Wgt: [REDACTED] Hair: [REDACTED]

Eyes: [REDACTED]

Dr Lic #: [REDACTED] St: [REDACTED]

Soc Sec #: 000-00-0000

MOTHER- [REDACTED]

Business: STRONG VINCENT HIGH
1330 W 8 ST

Phone: 814-874-6500

ERIE

PA 16502

Residence Type: Residence

Residence Status: Resident

Statement Type:

Related Offenses: 1

Arrest Information:

Arrest Date/Time: 01/29/02 14:45 Hrs.

Arrest Type: JUV ALL

Arresting Officer: G [REDACTED] STANLEY [REDACTED]

Charge Number: 001

Crime Code: 03121 RAPE

Statute: CC0903/3121

Attempted/Committed: Committed

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Case Description:
SEX OFFENSE

Case Number: [REDACTED]

Stat Desc : CRMNL CONSPIRACY/RAPE

Suspect : Present Information
Primary K [REDACTED], A [REDACTED],
Arrest-Juv [REDACTED]

Phone: [REDACTED]

Race : [REDACTED] Sex: [REDACTED] D.O.B: [REDACTED] Age: [REDACTED]
Hgt : [REDACTED] Wgt: [REDACTED] Hair: [REDACTED] Eyes : [REDACTED]
Build: [REDACTED] Complexion: [REDACTED] Ethnicity: [REDACTED]
Dr Lic #: [REDACTED] St: [REDACTED]Business: STRONG VINCENT HIGH
1330 W 8 ST
ERIE

Phone: 814-874-6500

Statement Type :

PA 16502

Related Offenses : 1

: Present Information
A [REDACTED], C [REDACTED]Race : [REDACTED] Sex: [REDACTED]
Dr Lic #: [REDACTED]

St: [REDACTED]

D.O.B: [REDACTED] Age: [REDACTED]
Soc Sec #: 000-00-0000Business: STRONG VINCENT HIGH
1330 W 8 ST
ERIE

Phone: 814-874-6500

PA 16502

: Present Information
H [REDACTED], Y [REDACTED]

Phone: [REDACTED]

Race : [REDACTED] Sex: [REDACTED] D.O.B: [REDACTED] Age: [REDACTED]
Hgt : [REDACTED] Wgt: [REDACTED] Hair: [REDACTED] Eyes : [REDACTED]
Build: [REDACTED] Complexion: [REDACTED] Ethnicity: [REDACTED]
Dr Lic #: [REDACTED] St: [REDACTED] Soc Sec #: 000-00-0000Business: STRONG VINCENT HIGH
1330 W 8 ST
ERIE

Phone: 814-874-6500

PA 16502

Suspect : Present Information
Primary B [REDACTED], C [REDACTED]
Suspect [REDACTED]

Phone: [REDACTED]

Race : [REDACTED] Sex: [REDACTED] D.O.B: [REDACTED] Age: [REDACTED]
Hgt : [REDACTED] Wgt: [REDACTED] Hair: [REDACTED] Eyes : [REDACTED]
Build: [REDACTED] Complexion: [REDACTED] Ethnicity: [REDACTED]
Dr Lic #: [REDACTED] St: [REDACTED] Soc Sec #: 000-00-0000

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Case Number: [REDACTED]

Business: STRONG VINCENT HIGH
1330 W 8 ST
ERIE

Phone: 814-874-6500

PA 16502

Suspect : Present Information
Primary F [REDACTED] A [REDACTED]
Suspect [REDACTED]

Phone: [REDACTED]

Race : [REDACTED]
Dr Lic #: [REDACTED]

Sex: [REDACTED]

St: [REDACTED]

D.O.B: [REDACTED] Age: [REDACTED]
Soc Sec #: 000-00-0000Business: STRONG VINCENT HIGH
1330 W 8 ST
ERIE

Phone: 814-874-6500

PA 16502

Victim : Present Information
Primary P [REDACTED] R [REDACTED]
Individual [REDACTED]

Phone: [REDACTED]

Race : [REDACTED]
Dr Lic #: [REDACTED]

Sex: [REDACTED]

St: [REDACTED]

D.O.B: [REDACTED] Age: [REDACTED]
Soc Sec #: 000-00-0000Business: STRONG VINCENT HIGH
1330 W 8 ST
ERIE

Phone: 814-874-6500

PA 16502

Statement Type :

Related Offenses : 1

Victim : Present Information
Primary L [REDACTED] K [REDACTED]
Individual [REDACTED]

Phone: [REDACTED]

Race : [REDACTED]
Dr Lic #: [REDACTED]

Sex: [REDACTED]

St: [REDACTED]

D.O.B: [REDACTED] Age: [REDACTED]
Soc Sec #: 000-00-0000Business: STRONG VINCENT HIGH
1330 W 8 ST
ERIE

Phone: 814-874-6500

PA 16502

Statement Type :

Related Offenses : 1

Property:

Item Number : 1	Subject #:	Subject Type:
Evidence # : 29390AA		
Property Code : Evidence	Property Type : Tape Ad/Vs	
Property Class: TV Rad Str		
Date Received : 01/18/02	Initial Value :	.00
Date Recovered: 01/17/02	Recovered Value:	.00
Recovery Loc. : EPD	Recovery Code :	
RFOJ?: N	Notify Owner Date:	Notified How?:
Bin Loc : PO/REAR	Disposition :	

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Case Number: [REDACTED]

Year . . . / /00 Description: VIDEO STATEMENT
 Quantity . . : 1.000 EA Model/Style:
 Registratn# : State : Expires :

Property:

Item Number . : 2 Subject #: Subject Type:
 Evidence # . : 29390AB
 Property Code : Evidence Property Type : Misc
 Property Class: Misc.
 Date Received : 01/18/02 Initial Value : .00
 Date Recovered: 01/17/02 Recovered Value: .00
 Recovery Loc. : Other Recovery Code :
 RFOJ?: N Notify Owner Date: Notified How?:
 Bin Loc . . . : PO/REAR Disposition . . :

Year . . . / /00 Description: TWO PAGE LETTER
 Quantity . . : 1.000 EA Model/Style:
 Registratn# : State : Expires :

Dispatch Narrative

Information on the units assigned to the call follows.

Unit#: D5 Radio#: 126 Ofcr 1: 259 Ofcr 2:
 DSP: 01/11/02 09:50 ARV: 01/11/02 09:50 CLR: 01/11/02 12:12
 Unit#: 2Q1 Radio#: 000 Ofcr 1: 298 Ofcr 2: 322
 DSP: : ARV: 01/29/02 16:23 CLR: 01/29/02 16:37

Information on the units assigned to the call follows.

Unit#: D5 Radio#: 126 Ofcr 1: 259 Ofcr 2:
 DSP: 01/11/02 09:50 ARV: 01/11/02 09:50 CLR: 01/11/02 12:12

***** 16:22:27
 01-29-02 16:22:33
 2Q1 TRANSPORTING JUVENILE TO E.L. THOMAS CENTER FROM E.P.D. 16:22:47
 S.M. 688 16:22:51
 E.M. 691 16:31:10

CAD System Narrative

Incident Recalled From: [REDACTED]

Det. P. B. [REDACTED]

Assigned this investigation on 1-11-02 by Capt. S. [REDACTED] who advised these investigators, P. B. [REDACTED] and J. B. [REDACTED] to go to Strong Vincent High School, 1330 W. 8th Street, where we would meet the school principal, Janet Woods, and also J. P. [REDACTED] the Chief of Police/Security for the Erie School District. Upon our arrival at Strong Vincent, we were taken into the principal's office, where after a short wait, at approx. 0830 hrs. we met Ms. J. Woods, and one of the teachers, Linda Cappabianca, who related the following: Chief [REDACTED] arrived shortly after.

Ms. Woods says that on 1-9-02 at approx. 1500 hrs. she became aware of a situation involving several Strong Vincent school

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students, the first of which allegedly occurred on December 19th, 2001, at the Frontier Village Laundry, 1258 W. 8th Street, after PASS (after school suspension). She says that she and Linda Cappabianca became aware of the situation when one of the victims, Rachel P. [REDACTED] became upset during school hours yelling that some male students were picking on her, asking her to "suck their dicks." Upon questioning R. [REDACTED], Ms. Cappabianca discovered that several other students were involved in these incidents, which involved inappropriate sexual behavior after the PASS program. Ms. Cappabianca states that she interviewed all of the students involved, with the exception of one of the victims, K. [REDACTED] L. [REDACTED] who was hospitalized at Millcreek Community Hospital for mental health reasons (that may or may not have to do with these incidents).

Ms. Cappabianca relates that after interviewing all of the students involved, it seems that on 12-19-01, R. [REDACTED] P. [REDACTED] and B. [REDACTED] C. [REDACTED] had gone to Strong Vincent High School to meet B. [REDACTED] C. [REDACTED]'s older sister, [REDACTED] who was staying late at PASS. R. [REDACTED] and P. [REDACTED] had seen A. [REDACTED] G. [REDACTED] C. [REDACTED] B. [REDACTED] A. [REDACTED] K. [REDACTED] walking

towards the laundromat on W. 8th Street (Frontier Village Laundromat, 1258 W. 8th Street), and B. [REDACTED] had approached the 3 boys and asked them if they would like "head" (oral sex-mouth to penis) from R. [REDACTED]

R. [REDACTED] told Ms. Cappabianca that all of them entered the laundromat, and B. [REDACTED] continued to coerce R. [REDACTED] into performing oral sex on the boys. R. [REDACTED] said that she was uncomfortable with the idea of having oral sex, and was hesitant, but B. [REDACTED] continued to taunt her. R. [REDACTED] conceded and walked into the laundromat bathroom with A. [REDACTED] K. [REDACTED], where they stayed for approx. 15 minutes with the lights out. R. [REDACTED] and A. [REDACTED] then came out of the bathroom, and they all left the laundromat. Once outside of the laundromat, R. [REDACTED] and C. [REDACTED] went behind a house that is located on Washington Street and R. [REDACTED] performed oral sex on C. [REDACTED] B. [REDACTED]. According to A. [REDACTED] G. [REDACTED] R. [REDACTED] had performed this act on both A. [REDACTED] K. [REDACTED] and C. [REDACTED] B. [REDACTED] a couple of times. Upon interviewing A. [REDACTED] K. [REDACTED] he denies that he engaged in any sexual activity with R. [REDACTED].

R. [REDACTED] related to Ms. Cappabianca that B. [REDACTED] is now taunting her at school, bothering her to perform oral sex on other male students. On Monday, 1-7-02, there was a second incident. R. [REDACTED] was at the water fountain, and B. [REDACTED] approached her asking her to "give head" to a male student that had walked by. Allegedly, after R. [REDACTED] refused, B. [REDACTED] C. [REDACTED] shoved her into the stairwell and pushed her to follow the male student. R. [REDACTED] walked down the stairs in the same direction as the male student, but nothing had happened.

The third incident that Ms. Cappabianca found out about, by interviewing all of the listed students, was that also on Monday 1-7-02 after PASS, C. [REDACTED] B. [REDACTED] and an unknown male student had left PASS. They both went into the Frontier Village Laundromat, where P. [REDACTED] was. R. [REDACTED] was there changing her clothes, and waiting for her father to pick her up. While in an alcove of the building, the unknown male student had forced R. [REDACTED] to sit down and then he put his hands up her shirt, and pushed her hair back away from her face. This male then unzipped his pants and put his penis

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on R [REDACTED] face.

Ms. Cappabianca relates that the other victim, [REDACTED] K [REDACTED] L [REDACTED], was unavailable to be interviewed but according to another student that was there, Y [REDACTED] H [REDACTED], on 12-19-01, both R [REDACTED] P [REDACTED] and K [REDACTED] L [REDACTED] took turns giving oral sex (mouth to penis) to C [REDACTED] B [REDACTED].

After getting all of this information from Ms. Woods and Ms. Cappabianca, A [REDACTED] F [REDACTED] mother, [REDACTED], was contacted via telephone and after explaining the situation to her, Ms. T [REDACTED] gave these investigators permission to speak to A [REDACTED], regarding these incidents. Ms. Woods then sent for A [REDACTED] to get him out of class. At 0923 hrs. A [REDACTED] F [REDACTED] was brought to the principal's office and at that time it was explained to him that we were further investigating this case, and we needed to know what he could tell us about the situation. F [REDACTED] was then asked if he knows the incident that we were talking about, and he says that he does. F [REDACTED] says that on 12-19-01 a few days before the school Christmas break, he and a few of his friends, including A [REDACTED] K [REDACTED] and C [REDACTED] B [REDACTED] had just gotten out of PASS (at Strong Vincent) and it was between 6:00 PM and 6:45 PM. He says that they had all walked over to near the laundromat on W. 8th Street, across from the school, when they were approached by B [REDACTED] C [REDACTED], P [REDACTED] K [REDACTED] L [REDACTED] and Y [REDACTED] H [REDACTED]. F [REDACTED] says that B [REDACTED] says to them, "R [REDACTED] wants to suck dick," and then she (B [REDACTED]) reaches for my pants and starts to unbutton them. He says that R [REDACTED] denies this, and he pulls away from B [REDACTED]. F [REDACTED] says that B [REDACTED] then begins to punch R [REDACTED] in the ribs, trying to get her to do what she (B [REDACTED]) wants.

F [REDACTED] says that they all walk into the laundromat and B [REDACTED] keeps pestering R [REDACTED] to "suck dick," and R [REDACTED] keeps saying, "No," that she "doesn't want to," but finally R [REDACTED] and A [REDACTED] go into the laundromat's bathroom. F [REDACTED] says that R [REDACTED] and A [REDACTED] are in the bathroom for about two minutes but the laundry lady (laundry attendant) starts yelling at them all, telling them that they will have to leave, and R [REDACTED] and A [REDACTED] come out of the bathroom. F [REDACTED] says that they all go outside, but then they go behind the laundromat and R [REDACTED] and A [REDACTED] go farther away from the rest of them, out of sight. He says that R [REDACTED] and A [REDACTED] are gone for awhile, then they come back out and join the rest of them. F [REDACTED] says that C [REDACTED] B [REDACTED] and R [REDACTED] then go out of sight behind the building, are gone for awhile, then return. He says that after C [REDACTED] B [REDACTED] and R [REDACTED] return, A [REDACTED] K [REDACTED] and R [REDACTED] again go behind the building, out of sight, and are gone for awhile. F [REDACTED] says that they return and C [REDACTED] B [REDACTED] and R [REDACTED] again go out of sight. When F [REDACTED] is asked if he knows what was going on, when R [REDACTED] disappears with B [REDACTED] and K [REDACTED], he says that both of them (K [REDACTED] and B [REDACTED]) told him the next day, that R [REDACTED] had given them "head" (oral sex). He says that both K [REDACTED] and B [REDACTED] got "head" from R [REDACTED] on that day, 12-19-01, two times each.

At 0930 hrs. A [REDACTED] F [REDACTED] agreed to give a written

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statement to the above listed facts, but to save time, Ms. Cappabianca wrote the statement for him, then when they were finished, A [REDACTED] read over what Ms. Cappabianca had written. A [REDACTED] then signed the statement which was witnessed by Ms. Cappabianca and Ms. Woods. The written statement by F [REDACTED] is attached to this report.

At 1030 hrs. this same date, while investigators were still at Strong Vincent High School, B [REDACTED] C [REDACTED] and her mother arrived there for a pre-arranged meeting with Ms. Woods. After their meeting with Ms. Woods, Mrs. C [REDACTED] agreed to come into EPD along with her daughter B [REDACTED] for an interview with these investigators. Also while still at Strong Vincent, we were informed that R [REDACTED] P [REDACTED] and her father Richard had shown up at EPD in the Juvenile Division and they were advised to return at 1100 hrs. to be interviewed.

These investigators then left Strong Vincent High School and returned to EPD where R [REDACTED] and her father were waiting. At 1125 hrs. R [REDACTED] and her father were taken into the Juvenile Division, where R [REDACTED] would be interviewed. At that time this investigator, P. B [REDACTED] explained to R [REDACTED] and her father that we would be further investigating this case but we would need R [REDACTED] to tell us exactly what had occurred between herself, B [REDACTED] and the others, on 12-19-01. (It should be noted that while I was interviewing R [REDACTED] Det. J. B [REDACTED] and Det. S. G [REDACTED] were interviewing B [REDACTED] in another interview room in the presence of her mother).

I asked R [REDACTED] if she could tell me what had happened on 12-19-01 that started this whole thing and she related the following: R [REDACTED] says that on that date her friends, C [REDACTED] A [REDACTED] and K [REDACTED] were hanging out at the laundromat on W. 8th Street (Frontier Village), because she (R [REDACTED]) used to live across the street, and C [REDACTED] lives not too far away from there, and they hung around there frequently. R [REDACTED] says that she goes over to the laundromat to see what C [REDACTED] and K [REDACTED] are doing. She says at this time, it is around 6:30 PM. R [REDACTED] says that while she, C [REDACTED] and K [REDACTED] are at the laundromat, B [REDACTED] C [REDACTED] who they know from school, comes there also. She says that B [REDACTED] tells her that her "friend" (B [REDACTED] friend) wants R [REDACTED] to give him "head." At this point in the interview I tell R [REDACTED] that, although it may be embarrassing, I am going to need her to tell me what she means when she says "head." R [REDACTED] becomes very hesitant and I then ask her if she means oral sex, and that B [REDACTED] wanted her to put a male's penis inside her mouth. R [REDACTED] says "yes" that is what she means.

R [REDACTED] continues that after B [REDACTED] tells her that her friend wants her to give him "head," she, R [REDACTED], tells B [REDACTED] "No," that she didn't want to do that. R [REDACTED] says at that time it seemed that B [REDACTED] forgot about it, but about five minutes later B [REDACTED] tells R [REDACTED] to "come with me." Rachel says at that time she says that she thought that B [REDACTED] was going to lead her somewhere where she was "going to get jumped." When asked why she would think that, R [REDACTED] says that because the day before, in school, B [REDACTED] had threatened to "beat up" R [REDACTED]. R [REDACTED] says that she did follow B [REDACTED], about 3

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houses away from the laundromat. She says that now it is close to 8:00 PM and it is dark out. She says that B [REDACTED] then says to her again, "My friend wants you to give him head." R [REDACTED] says that B [REDACTED] had led her to where 3 [REDACTED]s were standing and she asks B [REDACTED] "Which one?" She says that B [REDACTED] points to the tallest [REDACTED]m, saying "that boy." R [REDACTED] says that she doesn't recognize this [REDACTED]m although she does recognize the other two as C [REDACTED] B [REDACTED] and "T [REDACTED]"

R [REDACTED] says that she didn't believe B [REDACTED] and she told her so. At that, B [REDACTED] says to the taller [REDACTED]m, "You want her to give you head, don't you?" and this [REDACTED]m says "Yeah." R [REDACTED] says that she tells B [REDACTED] "No, I don't want to," but B [REDACTED] keeps "pressuring" her, saying, "Come on, R [REDACTED], do it." She says that she kept telling B [REDACTED] that she didn't want to and that she didn't know this [REDACTED]m, but B [REDACTED] wouldn't quit. R [REDACTED] says that she finally said to B [REDACTED], "There's no place to do it," but B [REDACTED] then tells her, "The laundromat bathroom." She says that she, B [REDACTED] the three [REDACTED]ms, and her other friends C [REDACTED] K [REDACTED] and Y [REDACTED] all go inside the laundromat.

R [REDACTED] says that once inside the laundromat, B [REDACTED] keeps pressuring her so she and the taller [REDACTED]m then go into the bathroom, turning off the light. R [REDACTED] says that once inside the bathroom she and this [REDACTED]m who she describes as having an "afro" type hairstyle, goatee, and wearing a puffy coat, and headphones, begin talking. She says that this [REDACTED]m asks her how old she was, and she tells him [REDACTED]. She then asks him how old he is and he tells her [REDACTED]. R [REDACTED] says that this [REDACTED]m then asks her if she's "going to do it?" and she tells him "No." She says that while she and the [REDACTED]m are in the bathroom, they can hear B [REDACTED] and the laundromat lady, K [REDACTED], yelling, and K [REDACTED] tells them to get out of the laundromat. She says that she can hear B [REDACTED] swearing at K [REDACTED], so she and the [REDACTED]m leave the bathroom. R [REDACTED] says that she and the [REDACTED]m were in the bathroom for approx. 15 minutes but nothing happened.

R [REDACTED] says that she and the others left the laundromat through the back door, and when they all are outside B [REDACTED] asks her, "Did you do it? Did you do it?" She says that at first she told B [REDACTED], that "Yes" she did it because she was afraid that B [REDACTED] would beat her up, but then she told B [REDACTED] that she didn't do it (give oral sex to A [REDACTED]). R [REDACTED] says that B [REDACTED] then tells her that her "other friend wants her to do it" - give him oral sex. She says that she asks B [REDACTED] "who?" and B [REDACTED] tells her C [REDACTED] B [REDACTED]. R [REDACTED] says that she tells B [REDACTED] "No", that she doesn't want to do it, but B [REDACTED] keeps after her telling her to just do it. At this point in the interview, R [REDACTED] says that she was afraid that B [REDACTED] would "give her head up" if she didn't do what she was telling her to do. I asked B [REDACTED] what she meant when she said "head up" and she explained that she meant that B [REDACTED] would "sock her in the face with her fist."

R [REDACTED] says that B [REDACTED] was getting really mad at her because she kept telling her "No" so she finally told her that she would do it. She says that she and C [REDACTED] B [REDACTED] then walk to the side of one of the houses and then C [REDACTED] tells her that "I was gonna make it five

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minutes, but I'll only give you two minutes." When asked, R [REDACTED] says that she believes that C [REDACTED] was only going to make her give him "head" - oral sex, for two minutes, instead of five minutes. R [REDACTED] says that she tells C [REDACTED] that she doesn't want to give him oral sex, but she is afraid that B [REDACTED] and the others would get mad at her if she didn't do it. R [REDACTED] says that she then gives C [REDACTED] B [REDACTED] "head" and then they finish. At this point I ask R [REDACTED] what she means by giving "head" and she explains that it means a girl giving a boy oral sex, mouth to penis. I then ask R [REDACTED] if I asked her if C [REDACTED] had ejaculated when he was done, if she would know what I meant, and she said, "No." I then asked her if she knows whether C [REDACTED] "came," and she said, "I don't know." Thinking that R [REDACTED] still didn't know what I was referring to, I then asked her if sperm, or any type of fluid came out of the end of C [REDACTED] penis, when he was finished, and she still said, "I don't know, I wasn't paying attention." I then asked R [REDACTED] what made her quit giving C [REDACTED] oral sex, and she says that while she was doing it, she kept stopping and asking C [REDACTED], "Am I done yet?" and finally C [REDACTED] tells her that she can stop.

R [REDACTED] says that she and C [REDACTED] then walk out and join the others and everyone asks, "Did you do it?" She says that she tells them all "Yes," and then B [REDACTED] tells her "It's his turn," pointing to the [REDACTED] that she had originally gone into the laundromat bathroom with. R [REDACTED] says that she again tells B [REDACTED] that she doesn't want to do it again, but B [REDACTED] keeps telling her to do it, so finally R [REDACTED] says that she asks B [REDACTED] "Will this be the last time?" She says that B [REDACTED] told her, "Yes, I promise, this will be the last time." R [REDACTED] says that she and this black male (the one that she had gone into the bathroom with) go to the side of the same house that she and C [REDACTED] B [REDACTED] had gone to. She says that she then gives this [REDACTED] "head", oral sex - mouth to penis for about 30 minutes. R [REDACTED] was asked if this [REDACTED] ejaculated, and she says, "I don't know, I wasn't paying attention."

R [REDACTED] says that when she and this [REDACTED] were finished, they walked back and joined the others. At that time R [REDACTED] says that B [REDACTED] asks her, "Did you do it?" and when she told her that she did, B [REDACTED] tells R [REDACTED] that "You took a long time, 30 minutes." R [REDACTED] says that B [REDACTED] tells her that "since she gave him 30 minutes, C [REDACTED] (B [REDACTED]) wants his 30 minutes." R [REDACTED] says that she tells B [REDACTED] that she had "promised that she wouldn't have to do it again," but B [REDACTED] tells her that it wouldn't be fair to C [REDACTED] if she didn't.

R [REDACTED] says that she and C [REDACTED] then go to the side of the same house and she again gives C [REDACTED] B [REDACTED] "head" - oral sex, mouth to penis, for approx. 30 minutes. Unknown whether C [REDACTED] ejaculated. When they were finished R [REDACTED] says that she and C [REDACTED] walk out and join the others, and B [REDACTED] tells her that she is going to have to give the other [REDACTED] "head" again, (the original [REDACTED] from the laundromat bathroom). R [REDACTED] says that she and this [REDACTED] then go to the side of the house again, and she again gives him oral sex, mouth to penis, until he was done. Unknown about ejaculation. She says that she and the [REDACTED] then walk out and join the others and they all

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stand around and talk for awhile. R [REDACTED] says that this last [REDACTED] then says that he has to leave, and he does. She says that she may have heard the others say this [REDACTED]'s name but she doesn't remember what it was.

R [REDACTED] says that after this [REDACTED] leaves, another one of the [REDACTED]s known only to her as "T [REDACTED]", asks her if she'll "give him head?" She says at this, B [REDACTED] speaks up and tells her "No," she can't give T [REDACTED] head because he is her (B [REDACTED]) man. R [REDACTED] says that she, C [REDACTED] and T [REDACTED] then walk back next to the house where had given the others oral sex. She says that T [REDACTED] then tells her to get down on her knees, and although she tells him that she doesn't want to, she does get down on her knees. R [REDACTED] says that she then begins giving oral sex to C [REDACTED] B [REDACTED], while T [REDACTED] watches. After a few moments, R [REDACTED] says that they hear a noise which sounded like someone opening up a window, so they all run. She says that this includes herself, B [REDACTED], C [REDACTED], T [REDACTED], Y [REDACTED], K [REDACTED], and C [REDACTED]. R [REDACTED] says that they run to the corner of W. 8th Street then cross the street and run to the driveway of a house, which she describes as a "duplex." She says that T [REDACTED] and C [REDACTED] want her to give them oral sex again, and although she tells them "No," that she doesn't want to, T [REDACTED] takes off his belt and slaps her buttocks with it. R [REDACTED] says that T [REDACTED] did this in a joking manner, and it didn't hurt. R [REDACTED] says that she, T [REDACTED], and C [REDACTED] then go into a type of alcove between the duplex apartments, where it's dark. She says that C [REDACTED] then asks her if she would give him oral sex and she agrees, instead of arguing about it, because she doesn't know what C [REDACTED] will do to her, and then attempts to put his hand down the front of her pants. R [REDACTED] says that she pushed his hand away and then tried to stand up, but the [REDACTED] pushed her back down onto the steps. She says that she again stands up and tries to go out of the door but the [REDACTED] grabs her by the waist. R [REDACTED] says that she again tells the [REDACTED] that she has to go, and that her dad was going to be looking for her, so he then let her walk out the door. R [REDACTED] says that she didn't know this [REDACTED], and she doesn't remember seeing him in school prior to this date but she thinks she has seen him in school since then. (It should be noted that Ms. J. Woods, Strong Vincent principal, seems to think after speaking to R [REDACTED] and other students, that this unknown [REDACTED] may be: R [REDACTED] H [REDACTED]

When this interview was completed, I first asked R [REDACTED] if she would mind giving me her statement again and I asked her father if he would allow me to videotape R [REDACTED] statement. R [REDACTED] agreed and her father agreed to allow me to videotape it. The videotape was started at 1335 hours this date. This videotape was tagged property #29390 tag #1. The written statement from A [REDACTED] G [REDACTED] F [REDACTED] will be tagged property #29390, tag #2.

Refer to supplemental report by juvenile Det. Sgt. S. G [REDACTED] for further info regarding interview with B [REDACTED] C [REDACTED]. With the information regarding all of the listed subjects, it has been determined that at the time of these incidents, all of the suspects are juveniles. After reviewing these facts with CID Capt. S [REDACTED]

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get down on her knees. R [REDACTED] says that she then begins giving oral sex to C [REDACTED] B [REDACTED] while T [REDACTED] watches. After a few moments, R [REDACTED] says that they hear a noise which sounded like someone opening up a window, so they all run. She says that this includes herself, B [REDACTED], C [REDACTED], T [REDACTED], Y [REDACTED], K [REDACTED], and C [REDACTED]. R [REDACTED] says that they run to the corner of W. 8th Street then cross the street and run to the driveway of a house, which she describes as a "duplex." She says that T [REDACTED] and C [REDACTED] want her to give them oral sex again, and although she tells them "No," that she doesn't want to, T [REDACTED] takes off his belt and slaps her buttocks with it. R [REDACTED] says that T [REDACTED] did this in a joking manner, and it didn't hurt. R [REDACTED] says that she, T [REDACTED], and C [REDACTED] then go into a type of alcove between the duplex apartments, where it's dark. She says that C [REDACTED] then asks her if she would give him oral sex and she agrees, instead of arguing about it, because she doesn't know what C [REDACTED] will do to her, and then attempts to put his hand down the front of her pants. R [REDACTED] says that she pushed his hand away and then tried to stand up, but the [REDACTED] pushed her back down onto the steps. She says that she again stands up and tries to go out of the door but the [REDACTED] grabs her by the waist. R [REDACTED] says that she again tells the [REDACTED] that she has to go, and that her dad was going to be looking for her, so he then let her walk out the door. R [REDACTED] says that she didn't know this [REDACTED] and she doesn't remember seeing him in school prior to this date but she thinks she has seen him in school since then. (It should be noted that Ms. J. Woods, Strong Vincent principal, seems to think after speaking to R [REDACTED] and other students, that this unknown [REDACTED] may be: R [REDACTED] H [REDACTED] [REDACTED] years old, a student [REDACTED]

When this interview was completed, I first asked R [REDACTED] if she would mind giving me her statement again and I asked her father if he would allow me to videotape R [REDACTED] statement. R [REDACTED] agreed and her father agreed to allow me to videotape it. The videotape was started at 1335 hours this date. This videotape was tagged property #29390 tag #1. The written statement from A [REDACTED] G [REDACTED] F [REDACTED] will be tagged property #29390, tag #2.

Refer to supplemental report by juvenile Det. Sgt. S. Green, for further info regarding interview with B [REDACTED] C [REDACTED]. With the information regarding all of the listed subjects, it has been determined that at the time of these incidents, all of the suspects are juveniles. After reviewing these facts with CID Capt. Skindell and Det. Sgt. S. Green, this investigation will be turned over to him and the Juvenile Division. This information was also given to Chief J. Perfetto (School District Police).

SIGNED: DET. PAMELA BARBER SUPV: J. SKINDELL 1-17-02

Assigned to Karle 1-17-02

S. Green 1-12-02

Assigned 1-18-02.

On 1-11-02 I interviewed B [REDACTED] C [REDACTED] and

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her mother [REDACTED]. Also present was Det. J. Barber. This interview was to see what involvement B [REDACTED] had in sexual assault after school, across from Strong Vincent High School. She was read her rights and she agreed to talk to me. Her mother also gave her permission to talk to me.

B [REDACTED] advised me that she had nothing to do with the sexual acts that took place between R [REDACTED] and the two boys. She states that she merely talked to R [REDACTED] and told the boys she gave "head." She stated that she never threatened R [REDACTED] about this. She just asked her and R [REDACTED] said she would do it.

I asked if she at any time hit R [REDACTED] and she said no. I asked her why witnesses at the scene would tell me such a thing and she said they were lying. She said she was simply there during the whole incident and had nothing to do with it. She was also unable to answer as to why she was harassing R [REDACTED] in school about this, also denying that this occurred. It was in fact uninvolved parties that made the school aware that something was going on because they heard and saw B [REDACTED] push R [REDACTED] into a boy and tell him that R [REDACTED] wanted to give him head.

B [REDACTED] has a very combative attitude toward authority figures and was very cocky and uncooperative during this interview. Charges for B [REDACTED] will be pending further investigation of this incident.

S. Green 1-31-02

Assigned 1-18-02. On 1-29-02 I went to Strong Vincent High School to interview several witnesses involving this case. The first witness I talked to was Y [REDACTED] H [REDACTED]. I would describe Y [REDACTED] H [REDACTED] as a hostile and uncooperative witness. She did provide me with some information involving this matter.

She advised me that she was at Strong Vincent after school on the date in question. She says that B [REDACTED] C [REDACTED] (who she describes is a friend) and several boys met outside the laundromat. She says that is where her memory starts to go. She doesn't really remember any conversation, but she does remember B [REDACTED] telling the boys that she knows a girl who gives head. At that point she says that B [REDACTED] goes and gets R [REDACTED] P [REDACTED] and asks her to give head to her friend. She says that she really doesn't remember the conversation that took place but the next thing she does is go into the laundromat where R [REDACTED] and A [REDACTED] K [REDACTED] go into the bathroom together. She says they are in there for a couple minutes but then the lady who runs the laundromat kicked them all out.

They then went outside and behind the laundromat where they gathered and were told by R [REDACTED] and A [REDACTED] K [REDACTED] that nothing happened in the bathroom. She says that at this point there is more conversation but she doesn't remember what about. The next thing she knows R [REDACTED] and A [REDACTED] are leaving and going between two houses for R [REDACTED] to give him head again.

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As the two of them return, B [REDACTED] then asked R [REDACTED] to give head to C [REDACTED] B [REDACTED]. She says no, but then changes her mind and goes behind the houses and gives C [REDACTED] head. She doesn't remember the conversation that happened in which R [REDACTED] decided to change her mind about giving C [REDACTED] head.

After C [REDACTED] came back with R [REDACTED], Y [REDACTED] says that C [REDACTED] asked her to give him head. She told him no way. At that time she says that K [REDACTED] L [REDACTED] has changed her mind and says that she will give him head. The two of them then climb a fence into a different back yard than the other two were in, as R [REDACTED] was in the back with A [REDACTED] again at this time.

Y [REDACTED] says that at this time they all went home. She said that at one point she did go back to see what was going on and she saw R [REDACTED] on her knees with A [REDACTED] penis in her mouth. While she conveniently had memory loss for most important conversations, she did however tell me that B [REDACTED] told R [REDACTED] she was going to get her "head up" from her. Which she says is slang for fighting. She doesn't remember why she said this to her of course.

The second person interviewed in this matter was C [REDACTED] A [REDACTED] C [REDACTED] was a hostile witness. She stated she was friends with B [REDACTED] C [REDACTED] and didn't remember anything. She then advised me that she didn't like cops or detectives. At this I concluded the interview with C [REDACTED]

Ms. Cappabianca then called A [REDACTED] F [REDACTED] to the office. I advised him that I would like to talk to him regarding the incident at the laundromat after school with R [REDACTED] P [REDACTED]. He told me he would tell me as much as he could remember. He advised that after school (PASS), he was with his friend A [REDACTED] K [REDACTED] and C [REDACTED] B [REDACTED]. He states that they were approached by B [REDACTED] C [REDACTED] and a couple of her friends and they began to talk. He states that B [REDACTED] immediately told them that she knew a girl who gave head. She told them that she would then go get her. She went to the laundromat and came back with R [REDACTED] P [REDACTED]. A [REDACTED] says that B [REDACTED] immediately began to harass R [REDACTED] about giving one of the boys head. R [REDACTED] kept saying no, she didn't know these boys and she didn't want to. He states that B [REDACTED] would not leave it alone and began threatening to fight her if she didn't. It escalated to the point that B [REDACTED] punched R [REDACTED] in the side at least two times. B [REDACTED] finally agreed and went into the bathroom with A [REDACTED] K [REDACTED]. He says they were in there for a little bit but then came out when the lady at the laundry kicked them all out of the building.

They then went behind the building and B [REDACTED] started on R [REDACTED] again asking her if she gave him head. R [REDACTED] and A [REDACTED] finally admitted that nothing had happened in the bathroom. B [REDACTED] then started on R [REDACTED] again to do it somewhere else. R [REDACTED] said no but then after B [REDACTED] wouldn't stop she finally agreed again.

When she came back after giving A [REDACTED] head she told R [REDACTED] that C [REDACTED] wanted head too. R [REDACTED] told her no, she didn't know

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C [REDACTED] But B [REDACTED] continued after her and told her they were going to go "head up" if she didn't do as she said. R [REDACTED] then said yes and went behind the house and gave C [REDACTED] head. A [REDACTED] tells me that this happened at least twice with both A [REDACTED] K [REDACTED] and C [REDACTED] B [REDACTED] taking turns going between the buildings with R [REDACTED]. He states that C [REDACTED] B [REDACTED] also talked K [REDACTED] L [REDACTED] into giving him head also. He stated that K [REDACTED] did this on her own however and was not threatened that he was aware of.

A [REDACTED] advised at this time that he was also being harassed on a daily basis by B [REDACTED] C [REDACTED]. He states that she calls him a snitch and told other students that he was telling the police on her. He states that she singles him out in the hall and says things like "Hey T [REDACTED], you a motherfuckin snitch." After gathering the information from these witnesses and conversation with the victim I decided to detain B [REDACTED] C [REDACTED] on the charge of being a conspirator in the sexual assaults and harassment of a witness.

Ms. Cappabianca called B [REDACTED] C [REDACTED] to the office at that time. As B [REDACTED] crossed in front of the door of the office she saw me sitting there. Ms. Cappabianca advised her that I needed to see her and B [REDACTED] took off running. She was caught upstairs of the school getting into her locker to get her things to leave school.

B [REDACTED] C [REDACTED] was transported to Erie Police station at that time. Detention for B [REDACTED] was authorized by John Signorino and after speaking with her mother she was transported to Edmund L. Detention Center by patrol. She will be charged by allegation for conspiracy to rape, involuntary deviate sexual intercourse, and intimidation of a witness.

S.* Green 2-1-02

Assigned 1-18-02. On 1-23-02 I went to Strong Vincent High School to pick up defendant A [REDACTED] K [REDACTED]. I was also made aware at this time that A [REDACTED] K [REDACTED] [REDACTED]

A [REDACTED] K [REDACTED] was taken into custody at the school without incident. I called his mother at home and had her meet us at the station even though A [REDACTED] current age is 18. He was a juvenile at the time of the incident. At the station I read A [REDACTED] his rights and he agreed to talk to me. Also present was his mother.

A [REDACTED] advised me that he did in fact receive oral sex from R [REDACTED] P [REDACTED]. He states that this whole incident happened because B [REDACTED] made it happen. He states that she met with him and A [REDACTED] and C [REDACTED] after they left PASS at school. He states that he did not really know B [REDACTED] but that he saw her around and she seemed to like A [REDACTED]. He states that she started to tell him and his friends that she knew a girl who would give them a blow job. She then went to the laundromat and got R [REDACTED]. She started to tell R [REDACTED] to give him head. R [REDACTED] was telling B [REDACTED] she didn't want to but B [REDACTED] kept after her. She at one point hit R [REDACTED] at least what he thought to

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be three times.

R [REDACTED] finally agreed and B [REDACTED] said let's go into the laundry. Once inside the laundry they (A [REDACTED] and R [REDACTED]) went into the bathroom.

He states that nothing happened in the bathroom because the two of them didn't know if they really wanted to do it. So they just stood there for a minute and then got kicked out as B [REDACTED] began to argue with the laundry woman.

Once they went outside B [REDACTED] started to harass them and asked what happened. They both finally told her nothing happened and B [REDACTED] started after them to go somewhere else and try it then. R [REDACTED] was again saying she didn't really want to but B [REDACTED] wouldn't let it go. A [REDACTED] said that R [REDACTED] was obviously afraid of B [REDACTED].

Finally R [REDACTED] agreed to do it again and she went with A [REDACTED] between two houses. A [REDACTED] says that at this time he does in fact get oral sex from R [REDACTED] with her mouth on his penis. He states that they do this for just a few minutes. He did not ejaculate and then they came back out to where the other people were standing. He says that at this time B [REDACTED] tells R [REDACTED] to give her friend C [REDACTED] head. R [REDACTED] tells her no, she doesn't know C [REDACTED]. She keeps after her and after threatening to fight with her she finally agrees to give C [REDACTED] B [REDACTED] head.

She went with C [REDACTED] between the houses and after several minutes comes out and C [REDACTED] brags about R [REDACTED] sucking his dick. She then went with A [REDACTED] a second time and the same thing happens, with still no ejaculation.

A [REDACTED] states that as he and R [REDACTED] are coming back out between the houses he sees C [REDACTED] jumping the fence with K [REDACTED] L [REDACTED]. He states that C [REDACTED] went with R [REDACTED] one more time and then they all left. He states that C [REDACTED] bragged about getting a blow job from both girls as they spoke when they walked away.

A [REDACTED] told me at the end of this interview that he did not know that R [REDACTED] was as young as she is.

I will be filing charges of rape and involuntary deviate sexual intercourse against A [REDACTED] K [REDACTED]. I will be filing charges of rape and involuntary deviate sexual intercourse against C [REDACTED] for his actions against R [REDACTED] P [REDACTED]. I will be filing charge of Rape and involuntary deviate sexual intercourse against C [REDACTED] B [REDACTED] for his actions against K [REDACTED] L [REDACTED] also.

Det. S. Green 2-20-02

In regards to this case I received phone calls from the parents of R [REDACTED] P [REDACTED] and K [REDACTED] L [REDACTED]. I was advised that R [REDACTED] was being told by a friend named A [REDACTED] that C [REDACTED] was saying that when he sees her again he's going to fuck her good this time. She has also heard threats as they were told to A [REDACTED] F [REDACTED]. The

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victim's mother and father advised their daughter was very frightened now and wouldn't leave the house.

I then called A [REDACTED] F [REDACTED] and he advised me that C [REDACTED] had told him that he was going to get R [REDACTED] if she files charges against him.

With these threats being made and a lack of cooperation from the family of the defendant, I called John Signorino and requested detention of C [REDACTED] B [REDACTED]. He advised that he would approve it. C [REDACTED] B [REDACTED] was picked up by myself and Det. Matson from [REDACTED] and then transported to Edmund L. Detention Center by patrol.

11.5a

January 10, 2001

It has been brought to my attention that on Wednesday, December 19, 2001, several students were engaged in inappropriate sexual behavior on their way home from the PASS program. B. C., R. P., C. A., Y., H., K. L., C. B., A. G., and A. K. were the students in question. After interviewing all persons involved, with the exception of K. L. because she was hospitalized at Milcreek Hospital for Mental Health reasons, it is apparent that C., Y., and A. did not participate in sexually defiant behavior.

R. P. admittedly went into the bathroom at the laundromat with A. K. and performed oral copulation on C. B. on December 19, 2001. She states that B. C. had forced her to go into the bathroom with A. K. The girls had gone to Strong Vincent to meet B. C.'s older sister, who was staying late at PASS. They had seen A., C., and A. walking towards the laundromat on West 8th Street. B. approached the boys and asked them if they would like head from R. They entered the laundromat, corner of 8th and Washington next to the school, where B. continued to coerce R. into performing oral sex on the boys. R. was uncomfortable with the idea of having oral sex and was hesitant. A. states that at this point, B. started hitting R. R. conceded and walked into the bathroom with A. K. They were alone in the bathroom with the lights out for almost 15 minutes and then came out of the bathroom. At some point, they were asked to leave the laundromat because B. was swearing and throwing things. Once outside, R. and C. went behind a house that is located on Washington street. R. had given fellatio to C. B. According to A., she had performed this act on both A. K. and C. B. a couple of times. A. denies that he engaged in any sexual activity with R. He claims that he saw the girls on the steps of Strong Vincent and they started walking east on 8th Street. He went into the laundromat to smoke a cigarette and talk to his friend, A. After his cigarette, he went home. He said that he did not go into the bathroom or outside with R. at anytime that evening. C. B., R., C., and A. all saw A. and R. go into the bathroom. When called into the office, A.'s first statement was, "you want to talk to me about what happened and I didn't do anything."

R. is now being taunted by B. C. at school. B. is bothering her to perform this act on other male students. On Monday, 1/7/02, there was a second incident. R. was at the water fountain. B. was in the hall asking R. to give head to a male student that walked by. R. refused. According to R. B. had shoved her into the stairwell and pushed her to follow the male student. R. walked down the stairs in the same direction as the male student, but nothing had happened.

The third incident to occur was after PASS on Monday 1/7/02. C. B. and an

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DEPOSITION
EXHIBIT

Woods #1

unknown Male student had left PASS. They went to the laundromat. R [REDACTED] P [REDACTED] was at the laundromat changing her clothes and waiting for her dad to pick her up. While in an alcove of the building, the unknown student had forced R [REDACTED] to sit down. He put his hands up her shirt. He brushed her hair back. He unzipped his pants and put his penis on her face. R [REDACTED] was unsure of the student's name, but was able to describe the student in detail.

K [REDACTED] L [REDACTED] was unable to be interviewed because she was hospitalized at Milcreek Hospital for Mental Health reasons. While at Milcreek, K [REDACTED] mom had said that she admitted to the counselor that she participated in oral sex with a student at Strong Vincent High School. Y [REDACTED] had stated in her interview that R [REDACTED] P [REDACTED] and K [REDACTED] L [REDACTED] had taken turns doing it to C [REDACTED]

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PENNSYLVANIA BUSINESS WEEK

1-11-02

Before Christmas break at 6:45, me, [REDACTED] [REDACTED] B. [REDACTED] left PASS and went walking down B 8th St. B. [REDACTED] C. [REDACTED] R. [REDACTED] Y. [REDACTED] started walking with us. B. [REDACTED] said "I know this girl that pucks dick" and we pucks like who. B. [REDACTED] said R. [REDACTED] she (B. [REDACTED]) sent someone to go get R. [REDACTED] R. [REDACTED] came out and B. [REDACTED] said, "Come on R. [REDACTED] do it, do it" and started unbuttoning my pants. I was about to hit her. B. [REDACTED] broke my gold necklace and lost the cross. I told her she was going to pay for it. Everybody (B. [REDACTED], me, C. [REDACTED] (about 60% of us)) went into the laundry room and sat there for a minute. B. [REDACTED] started forcing R. [REDACTED] B. [REDACTED] was saying if you don't go in there, you're going to beat you up. R. [REDACTED] went into the bath room and A. [REDACTED] followed behind her. 2 or 3 minutes later B. [REDACTED] came out of the bathroom. I said "did you all do something?" and A. [REDACTED] said "no, she was scared." The laundry lady told us to leave. B. [REDACTED] started cursing at the laundry lady. The laundry lady said she was going to call the police. We went outside and started walking down the corner on 8th and Washington. B. [REDACTED] said to R. [REDACTED] why don't you go behind the building and R. [REDACTED] said no. B. [REDACTED] threatened to beat up R. [REDACTED] again so



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PENNSYLVANIA BUSINESS WEEK

R [redacted] went behind the building. A [redacted] followed R [redacted] behind the building. When they came out, I said, "did you all do something?" A [redacted] laughing. B [redacted] asked her did she swallow it. I asked A [redacted] if she gave good head and he said shrugged his shoulders. We went back to the corner of 7th and Washington, across from the Strong/Incept parking lot. We were all talking. B [redacted] asked R [redacted] to do C [redacted]. R [redacted] said yes because she knows C [redacted]. They went ahead on the side of the building ^{new a house} and R [redacted] did C [redacted]. I asked A [redacted] ~~if he could get some~~ and B [redacted] and them ~~did~~ that young girl (R [redacted]) do it! and B [redacted] said yes. C [redacted] asked R [redacted] if he could get some, and R [redacted] said yes. When they were coming out from behind the build R [redacted] 's moon came. Everybody started leaving.

A [redacted] 81 [redacted]

Jawors, Jowers
(Nada) Cappabianca

witness

on the corner of 7th and Washington, B [redacted] C [redacted] was hitting R [redacted] A [redacted] in the rubber telling her ^(just) to suck A [redacted] and C [redacted] dick. And R [redacted] did it. A [redacted] & [redacted]



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Jawors, Jowers
Nada Cappabianca, witness

Middle and High School DISCIPLINE POLICY

2001 - 2002



*Creating a climate of care and respect
as we
Redesign for Success*

Dr. James E. Barker, *Superintendent of Schools*

THE SCHOOL DISTRICT OF THE CITY OF ERIE, PENNSYLVANIA
148 WEST 21ST STREET
ERIE, PENNSYLVANIA 16502

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Superintendent's Message

The School District, City of Erie, is committed to providing a safe, productive learning environment in each and every school. This Discipline Policy reflects the input of teachers, parents, and administrators all working together to identify the aspects that provide the elements needed for a discipline plan in a safe school.

The Board of Directors and this Superintendent will not tolerate any acts of violence in our schools, and any violation of this nature will result in swift and immediate consequences to perpetrators. The message is clear: **Erie Public Schools are focused on learning and any students who participate in aggressive acts that interfere with and are contrary to this objective will lose the privilege of attending school.**

Parents, students, teachers, and administrators, as responsible partners, must become familiar with the School District's Discipline Policy. This understanding will eliminate confusion about consequences and penalties resulting from infractions of the school rules. This policy will help ensure a fair, consistent, non-biased administration of discipline. All efforts must be directed towards improving the learning climate. The District will use all available resources to the fullest extent to ensure that interested students will have a safe place to learn.

I am confident that the Erie Public Schools has improved safety in its secondary schools and I assure you that the schools' primary mission is to provide a safe haven for learning. The Discipline Committee, by providing a more effective policy, has helped secure a more complete realization of producing a quality education in the safest of learning environments.

Should you have any questions regarding this plan, please contact your building principal and/or school counselor.

Sincerely,



Dr. James E. Barker
Superintendent of Schools



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INTRODUCTION

The policies set forth in the Middle and High School Discipline Policy apply to students attending the following schools:

- | | |
|---|---------------------------------------|
| --Central High School, grades 9-12 | --Roosevelt Middle School, grades 6-8 |
| --Collegiate Academy, grades 9-12 | --Harding School, grades 6-8 |
| --East High School, grades 9-12 | --Wilson Middle School, grades 6-8 |
| --Strong Vincent High School, grades 7-12 | --Wayne Middle School, grades 6-8 |

The School District of the City of Erie is committed to excellence for all Erie Public School Students. It has established a discipline policy, not as a means of punishment, but rather as a set of consequences to improve the student's behavior.

The contents of this policy are presented in alphabetical order. There is a glossary of terms at the end of the policy. Situational categories are presented following the acknowledgments. Levels are assigned to each infraction with the exception of: Assault/Physical Acts of Violence, Endangerment, Sexual Harassment, Illegal Drugs/Alcohol, Terroristic Threats/Terroristic Acts and Weapons. These infractions will result in immediate removal pending placement in an Alternative Education Program or expulsion from the School District of the City of Erie by the Board of Directors. Other infractions, such as extortion and stealing will be dealt with as the severity dictates. **AS PROVIDED BY SECTION 510 OF THE PENNSYLVANIA PUBLIC SCHOOL CODE, ALL DISCIPLINARY INFRACTIONS APPLY TO STUDENT BEHAVIOR WHEN STUDENTS ARE GOING TO AND RETURNING FROM SCHOOL, AND AT ALL SCHOOL-SPONSORED ACTIVITIES INCLUDING GRADUATION, DANCES, FIELD TRIPS, ETC.**

In the event a student continues to commit violations beyond the offenses listed, disciplinary penalties may be increased progressively and may be treated immediately as a second or third offense. In the event that multiple violations are committed during the same incident, discipline will be administered based upon the most serious violation. These measures will not only create and maintain a safe environment within the school building for all students, but will also insure the safety of students coming to and going from school.

Those infractions which are in violation of the legal codes could result in adjudication by various law enforcement agencies.

Prior to imposing consequences, each infraction will be thoroughly investigated by school building administrative staff, current student discipline records will be reviewed, and parent/student/staff conferences will be scheduled to discuss the problem and disciplinary action. **STUDENTS MAY BE REFERRED FOR COUNSELING VIA THE SCHOOL COUNSELOR, STUDENT ASSISTANCE PROGRAM (SAP), OR OTHER COUNSELING SERVICES.** Chronic attendance problems will be addressed through Saturday Detention, Program for After-School Suspension (P.A.S.S.) and the District Justice.

Student discipline records will remain a part of the student's permanent files. When a student transfers to this school district, a certified copy of the student's discipline record is

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requested and obtained from the school entity from which the student is transferring. The same is true when a student transfers out of the Erie School District. This record shall be maintained as part of the student's permanent discipline record and shall be made available for inspection as required by law.

School officials have the authority to search a student when they have reasonable suspicion that a particular student has violated or is violating the rules of the School District of the City of Erie or the law.

Any negative behavior not detailed in this policy will be dealt with by the appropriate administrator using the categories of discipline enumerated below.

Categories of disciplinary action could include:

- A. Teacher Detention
- B. Administrative Detention (After-School, Saturday Detention)
- C. Program for After-School Suspension (P.A.S.S.)
- D. Out-of-School Suspension (O.S.S.)
- E. Alternative Education
- F. Expulsion
- G. Peer Mediation/Conflict Resolution
- H. Student Assistance Program
- I. Charges Filed with Police Department
- J. School-Based Juvenile Probation Program

Each school in the School District of the City of Erie, Pennsylvania, may establish its own reward system for the improvement of student behavior. These rewards may include appropriate movies, special assemblies, and periodic drawings for donated prizes. An educational action plan for understanding the Disciplinary Policy has been designed to involve parents, students and staff.

RIGHTS OF STUDENTS, PARENTS, AND STAFF

The rights of students, parents, and staff are those guaranteed to all citizens in accord with the Constitution of the United States, the laws of the Commonwealth of Pennsylvania, and the rules and regulations of the Pennsylvania Department of Education.

A DEMOCRATIC NATION ACQUIRES ITS STRENGTH THROUGH THE ABILITY OF THE CITIZENS TO MAKE CHOICES, PARTICIPATE IN THE DECISION-MAKING PROCESSES, EXPRESS THEMSELVES IN A FREE AND CONSTRUCTIVE MANNER, INQUIRE INTO THE OPERATION OF EDUCATIONAL AND RELATED INSTITUTIONS, AND IMPLEMENT PROCEDURES WHICH BRING ABOUT IMPROVEMENT IN THE QUALITY OF INDIVIDUAL AND COMMUNITY LIFE. THE EDUCATIONAL PROCESS IN THE SCHOOLS MUST BECOME THE VEHICLE BY WHICH THE MEANINGFUL PRINCIPLES OF DEMOCRACY ARE BOTH TAUGHT AND PRACTICED. IN ASSURING

THIS VIABLE OBJECTIVE, SCHOOL OFFICIALS MUST ASSURE THAT ADVICE, COUNSEL AND SUPERVISION ARE PROVIDED TO STUDENTS AS THEY PROGRESS FROM A STATE OF IMMATURITY AND INDECISIVENESS TO A STATE OF MATURE AND RESPONSIBLE DECISION-MAKING INVOLVEMENT.

RESPONSIBILITIES OF STUDENTS:

1. Accept each person as an individual human being and promote intercultural and group relations and understanding.
2. Apply abilities and interests to the improvement of a knowledge base and to the development and application of learning skills.
3. Recognize and function within the policies established by the School Board and school officials.
4. Attend school for the purpose of obtaining a quality and meaningful education.
5. Abide by rules and regulations necessary for the orderly conduct of school activities by the administration and faculty.
6. Implement and abide by rules and regulations developed through the cooperation of student-faculty committees.
7. Contribute cooperatively toward the improvement of the teaching-learning situation and strive for the overall betterment of the total school environment.
8. Maintain respect for school officials and other students and exhibit conduct reflecting self-control, self-regulation and self-discipline.

RESPONSIBILITIES OF PARENTS/GUARDIANS:

1. Exemplify an enthusiastic and supportive attitude toward work and education.
2. Build a good working relationship between themselves and school personnel.
3. Teach their children self-respect, self-control, respect for the law, respect for others and the property of others, and accountability for their actions.
4. Insist on prompt and regular attendance.
5. Encourage their children to take pride in their appearance.
6. Cooperate with the school in jointly resolving school-related problems.
7. Become involved in the school.
8. Set realistic standards of behavior for their children.
9. Help their children to develop skills to withstand negative peer pressure.
10. Provide a place conducive for study and the completion of homework assignments.
11. Motivate their children to develop a keen interest in learning and exploring multiple fields of knowledge.
12. Review the Discipline Policy as a family, being especially aware of attendance, discipline, and Zero Tolerance policies.
13. Make sure that their children are in good health. Good health is essential to ensure effective classroom performance.
14. Learn all they can about the curriculum and curriculum activities.
15. Attend parent/teacher conferences, parent/teacher organization meetings, and special events sponsored by the school.

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16. Be aware that they are responsible should their children have any financial obligations. These include, but are not limited to, lost books, fines, and damage of property.

RESPONSIBILITIES OF TEACHERS/STAFF:

1. Promote a climate of mutual respect and dignity which will strengthen the student's self-image.
2. Utilize classroom strategies and techniques that contribute to student success.
3. Teach students the skills to become responsible citizens.
4. Honor "Time on Task." This helps tremendously in preventing most discipline problems.
5. Stay close enough to students so as to know what they are doing.
6. Always stand outside their doors to greet students, and to say goodbye to them.
7. Reflect a personal enthusiasm for teaching and learning as well as a genuine concern for the individual student.
8. Guide classroom activities as students learn to think and reason, to assume responsibility for their actions, and to respect the rights of others.
9. Help students to cope with negative peer pressure.
10. Be sensitive to changing behavioral patterns.
11. Strive for mutually respectful relationships with students.
12. Assist students and administrators in developing a climate in the school that is conducive to wholesome learning and living.
13. Report immediately to the principal any student who may jeopardize his/her own safety, the safety of other students, the safety of teachers, or who seriously interferes with the instructional program of the classroom as required by the Student Code of Conduct.
14. Serve as surrogate parents/guardians in matters of behavior, discipline and academics in accordance with Pennsylvania School Law.
15. Interpret and review the discipline policy with students in class/advisory period/homeroom.
16. Be fair, firm, and consistent in enforcing the Discipline Policy in the classroom, in the hallway, in the restrooms, on school transportation, on the school campus, and at all school-sponsored activities.

RESPONSIBILITIES OF ADMINISTRATORS:

1. Promote a climate of mutual respect and dignity which will strengthen the students' self-image.
2. Reflect a personal enthusiasm for teaching and learning as well as a genuine concern for the individual students.
3. Develop procedures which reduce the likelihood of student misconduct.
4. Make sure that all incidents are carefully and thoroughly investigated.
5. Provide the opportunity for students, staff, and parents to approach the administrator directly for redress of grievance.
6. Develop close, cooperative relationships with parents for the educational benefit of students.



7. Utilize all appropriate auxiliary staff and community agencies to help parents and students identify problems and seek solutions.
8. Be fair, firm, and consistent in all decisions affecting students, parents, and staff.
9. Demonstrate, by word and personal example, respect for law and order, self-discipline, and a genuine concern for all persons.
10. Strive for mutually respectful relationships with students.
11. Establish and maintain building security.
12. Assume responsibility for the dissemination and enforcement of the discipline policy.
13. Comply with pertinent laws governing hearings, suspensions, and the rights of students.
14. Support teachers and parents in their effort to enforce discipline policy.

STUDENT BEHAVIORAL EXPECTATIONS

1. ARRIVE TO SCHOOL AND CLASSES ON TIME. HOMEROOM IS VERY IMPORTANT. It is in homeroom where information is shared with students and staff and attendance accounting is initiated.
 - a. Each student and staff stands to pledge allegiance to the flag of the United States and remains standing for a moment of meditation.
 - b. Listen to all announcements and respect the rights of others to listen. Review the weekly schedule.
 - c. Follow the rules of conduct posted in each homeroom/classroom.
2. REPORT TO CLASS WITH NECESSARY BOOKS, MATERIALS, SUPPLIES, AND ASSIGNMENTS. Sit in seat immediately and prepare for the course work.
 - a. The teacher acknowledges all administrators and visitors when they enter the classroom.
 - b. Refrain from sleeping in class. This is unacceptable.
 - c. Refrain from putting feet on the desks and chairs.
 - d. REFRAIN FROM EATING AND DRINKING IN CLASS.
 - e. Stay on academic tasks until the end of the class period. NO ONE SHOULD BE IN THE DOORWAY WAITING FOR THE BELL TO RING.
3. MOVE THROUGH THE BUILDING IN AN ORDERLY MANNER. Refrain from running and yelling.
 - a. Use "inside voice" when talking to teachers and peers.
 - b. When walking in the halls, stay to the right.
 - c. If there is a fire drill or disaster of any kind, follow directions and move silently.
4. Use daily planner for class assignments.

5. USE CLIPBOARD/HALL PASS APPROPRIATELY. A hall pass is for one student and it must be signed by the teacher.
6. LIMIT DISPLAY OF AFFECTION.
7. FOLLOW LUNCH SCHEDULE AND RULES. Lunch is a time for fellowship with peers. Use "inside voice".
8. DRESS CODE. The student is expected to be mature enough to exercise good judgment in the selection of appropriate clothing for school. Clothing must be neat, clean, and tasteful. Outdoor clothing such as coats, jackets, hats, and gloves are not permitted to be worn during the school day. No one is permitted to wear tank tops or cutoffs; pants should be secured around the waist. Bare midriffs are not permitted. Clothing with suggestive or derogatory pictures, phrases, of advertising of alcohol, tobacco, or drugs are not to be worn. - Bandannas, headbands, and hats are not to be worn anywhere in school. In questionable situations, the administration will make the final decision about what constitutes appropriate dress for school. **The administration may impose additional limitations on dress if the attire causes a disruption of the educational process or constitutes a health or safety hazard.**

NOTE: Specific schools within the District have opted to adopt a Mandatory Dress Code Policy. The provisions of the Mandatory Dress Code Policy supersede these general provisions regarding student dress for those schools which opted to adopt the Policy.

9. SMOKING. The use or possession of tobacco products is prohibited in a school building, a school bus or on school property owned by, leased by or under the control of the school district. (Smoking on school property is also prohibited under Section 28.3 of the Fire Code.) Pursuant to 18 Pa. C.S.A. 6306.1 of the Pennsylvania Crime Code, a pupil conviction of the summary offense of using or possessing tobacco in a school building, a school bus or on school property owned by, leased by or under the control of the school district, shall be sentenced to pay a fine up to \$50.00, plus court costs.
10. LOCKERS AND LOCKS. Students are given the privilege of being assigned a specific locker in which to store school materials and personal property during school hours. Students are allowed and are encouraged to keep their assigned lockers secure and locked to safeguard their belongings from other students. However, students must understand it is not the intent of the School District to relinquish its exclusive control over the locker.

All lockers are and shall remain property of the School District. Accordingly, students shall have no expectation of privacy in their school lockers. Students are hereby notified that all authorized School District employees and officials may inspect students' lockers at any time, for any reason.

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In order to be granted the privilege of having the use of a school locker, the student at the beginning of each school year will be required to sign an acknowledgment which asserts that they have reviewed the locker search policy and they understand they have no reasonable expectations of privacy in their school lockers. Additionally, the students must give to their advisors the combination/extra key to the lock which they use on their school locker. Students are not allowed to share lockers or use lockers not assigned by their advisors. Students should bring a strong lock to school, preferably a lock with a key.

Most locker thefts are the result of carelessness on the students' part. REMEMBER TO LOCK THE LOCKER. DO NOT GIVE KEYS OR COMBINATIONS TO OTHER STUDENTS. If a lock has to be removed by the custodial staff, the student must obtain a permission slip from the homeroom teacher and have it signed by an administrator verifying that the locker is assigned to the student.

11. SETTLE CONFLICTS APPROPRIATELY. Keep your hands and feet to yourself.
12. USE APPROPRIATE LANGUAGE.
13. RESPECT SCHOOL PROPERTY AND THE PROPERTY OF OTHERS.
14. RESPECT YOUR PEERS.
15. RESPECT THE STAFF AND VISITORS.
16. RESPECT YOURSELF.
17. END OF THE SCHOOL DAY. All students must leave the building by 3:10 PM unless supervised by a member of the staff.

DISCIPLINARY PROCEDURES

Categories of disciplinary action could include any of the following:

- A. **Teacher Detention** - Teacher detention is a first line method of attempting to formally correct inappropriate behaviors in the classroom. The student must report to the assigned room with appropriate materials as determined by the teacher. A detention notice will be issued to the student 24 hours in advance notifying parent/guardian of date, time and reason for detention. A reasonable amount of time and number of days will be determined by the respective teacher. Parent/guardian will be responsible for transportation at the conclusion of detention. Failure to serve Teacher Detention after two notices will result in Administrative Detention(s).

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B. Administrative Detention

1. **After-School Detention** - student is assigned forty (40) minutes of After-School Detention by the appropriate administrator or her/his designee. The student must report to the assigned room on time with schoolwork or academic reading materials. The parent will be contacted by the appropriate administrator. The student will be assigned a date to serve this detention. Parents/students will be given a twenty-four (24) hour notice. Failure to serve this assigned After-School Detention will result in the student being assigned Saturday Detention. Parents are responsible for student's transportation
2. **Saturday Detention** - student is assigned three (3) hours (9:00 AM - 12:00 PM) of detention on Saturday by the appropriate administrator or her/his designee. The student must report to the assigned room on time with schoolwork or academic reading materials. The parent will be contacted by the appropriate administrator. The student will be assigned a date to serve this detention. Parents/students will be given a twenty-four (24) hour notice. Failure to serve this assigned Saturday Detention will result in the student being given a minimum of three (3) days in the Program for After-School Suspension. (P.A.S.S.) Parents are responsible for student's transportation.

- C. Program, for After-School Suspension** - Monday through Friday from 3:30 PM to 6:30 PM. The student is assigned to the Program for After-School Suspension (P.A.S.S.) for minimum of three (3) days. Classroom teachers will make assignments to be completed during the time there. The student is excluded from participation in all school-sponsored activities including, but not limited to, sports events, band activities, academic challenges, and cooperative work experience. The student will be released from the Program for After-School Suspension (P.A.S.S.) upon completion of all work assignments or per the P.A.S.S. administrator. Failure to attend the Program for After-School Suspension (P.A.S.S.) will result in the student being assigned the same number of days O.S.S. and may be referred to the District Justice for further action. Parents are responsible for student's transportation. **STUDENTS ASSIGNED PASS BECAUSE OF ATTENDANCE PROBLEMS WILL ATTEND ALL REGULAR CLASSES IN ADDITION TO P.A.S.S. AT THE END OF THE SCHOOL DAY (I.E., ILLEGAL/UNEXCUSED, ABSENCES, TARDIES, CLASS CUTS, LEAVING SCHOOL WITHOUT PERMISSION.)**

Any student who leaves P.A.S.S. without permission or is sent out of P.A.S.S. for failure to follow rules, will be given a minimum of three (3) to ten (10) days O.S.S. Charges may be filed. A conference will be held with parent and student. Any days missed from P.A.S.S. as a result of walking out of P.A.S.S. will be counted as illegal or unexcused. Parents are responsible for student's transportation.

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- D. Out of School Suspension (O.S.S.)** - student is suspended from school for a period of three (3) to ten (10) days pending placement in the Alternative Education Program or other recommendations as per the administrator, and is in the custody of the parent/guardian from 8:10 AM to 3:00 PM. The appropriate Guidance Counselor will arrange for classroom assignments and parents may pick up assignments at the school office. Teachers must be given one day to prepare assignments. Students are not permitted on school grounds during the suspension and are excluded from participation in all school-sponsored activities including, but not limited to, sports events, band activities, academic challenges, and cooperative work experience. A conference will be held with the parent, student, and appropriate staff.
- E. Alternative Education Program** - the Alternative Education Program serves as an intervention, the focus being on the development of pro-social behaviors. The program staff works with students in grades six through twelve whom have been removed from the regular school schedule because of serious disruptive behavior. Serious disruptive behavior is defined as assaultive behavior, behavior in violation of the weapon policy, or behavior in violation of the terroristic threats/terroristic acts policy. Other serious patterns of disruptive behaviors are determined by the Assistant Superintendent of Schools. While participating in the Alternative Education Program, needs are addressed through a behavioral assessment, behavior management techniques, individual counseling, and group therapeutic and psychoeducational exercises as prescribed in the Individual Behavioral Plan. The students' academic needs are served through multiple strategies based on a complete instructional evaluation and defined academic needs. The focus of the educational program is to provide the skills and knowledge necessary to be successful in the school setting and to concurrently provide life skills instruction and career guidance. The length of stay in the program will be based on the progress toward achieving the educational and behavioral goals outlined in the individual plan. **Students who violate their AEP contract will be recommended to the School Board for expulsion.**

1. Reasons for Referral

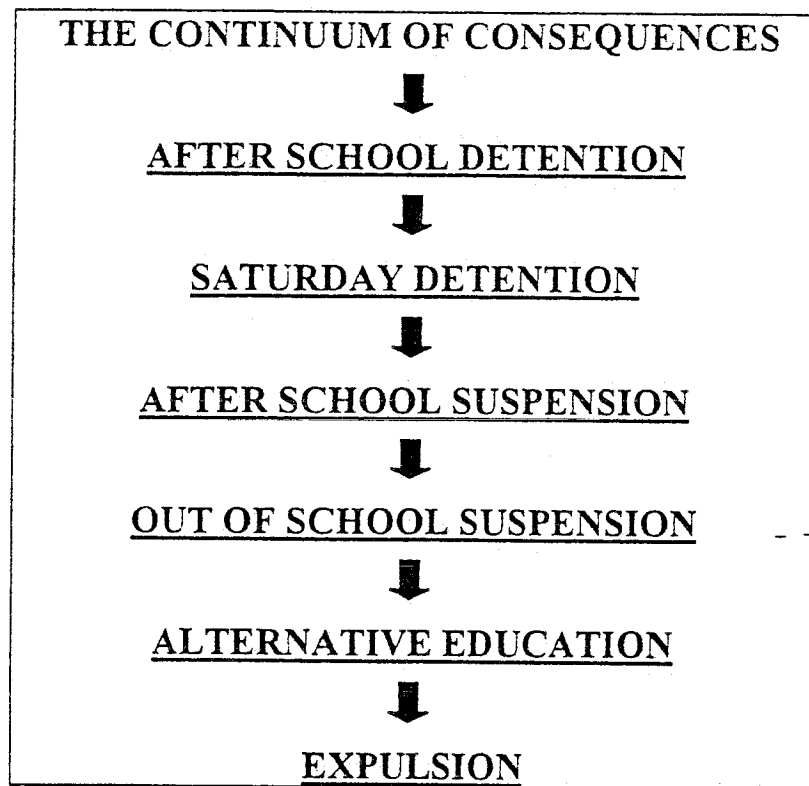
- a. Students may be referred to the Alternative Education Program for the following reasons:
- (1) Students will be removed from their regular school because of serious disruptive behavior. Serious disruptive behavior is defined as assaultive behavior, behavior in violation of the weapon policy (not to supplant the expulsion policy), or behavior in violation of the terroristic threats/terroristic acts policy.
 - (2) Chronic patterns of disruptive behavior, where school interventions have failed, may result in petitioning the

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Assistant Superintendent for placement in Alternative Education.

- (3) Violations of the District drug and alcohol policy that specify placement in Alternative Education.
 - (4) Students returning from placement by the Juvenile Court for delinquent behaviors. Each case should be reviewed to determine appropriateness of placement.
- F. **Expulsion** - Expulsion is the consequence of a violent act including carrying or concealing a weapon on any school property, at any school-sponsored activity, or on any public conveyance providing transportation to a school or school-sponsored activity. The act is investigated by the School Board. A formal hearing will be conducted by members of the School Board to decide on a student's status. **Students who are expelled may not attend or participate in any school activities/events including Graduation and Proms.**
 - (1) Students who have been expelled may petition the Superintendent (after one year) for return to the District through the Alternative Education Program.
- G. **Peer Mediation/Conflict Resolution** - This program is designed to create an awareness with students as to how to resolve differences by talking about them and by finding ways to control their anger. This process is used as a method of solving problems which arise among students before these problems reach a point where violence is likely.
- H. **Student Assistance Program (SAP)** - The Student Assistance Program process of working in concert with mental health and drug and alcohol providers maximizes the possibility that a student's problems are properly identified and that the student receives the appropriate services needed to improve his/her prognosis for educational success. The problems that at-risk students face are not always limited to school problems. Students may require services or support outside the realm of the school environment. SAP has proven to reduce student at-risk problems both in and out of the school environment.
- I. **Charges Filed with the Police Department** -any behavior which is in violation of civil or criminal law will be dealt with as the law permits.
- J. **School-Based Juvenile Probation Program** - school-based probation officer supervises the probation students with the focus on developing and implementing treatment and behavioral goals as designed with the student, parents, and the school. In addition, supervision includes compliance with court-ordered conditions and response to behavioral problems as reported by the school. School based probation officers are regular members of the Student Assistance Program (SAP). As a member of the SAP team, the school based probation officer works closely with other team members with regard to probation clients.

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All categories of suspension are served by the continuum.

Chronic attendance problems will be addressed through Saturday Detention, Program for After-School Suspension (P.A.S.S.), and the District Justice.

Students who have attendance problems will attend regular classes and report to the After-School Suspension Program (P.A.S.S.) from 3:30 p.m. until 6:30 p.m.

Non-compliance with prescribed consequence moves the student along the continuum.

Structure of After-School Suspension includes academics and counseling.

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STUDENT BEHAVIOR

All provisions regarding student behavior are applicable to students while on school property, at any school-sponsored activity (including graduation, dances, field trips, etc.), on any public conveyance providing transportation to a school or school-sponsored activity, and to students going to and returning from school. Depending on the severity of a student's behavior, any student behavior offense may be treated as a second or third offense. Offenses addressing student behavior are as follows:

- A. ASSAULT/PHYSICAL ACTS OF VIOLENCE - ZERO TOLERANCE - the deliberate or reckless attempt to cause or the actual causing of physical pain or injury to another or the deliberate or reckless attempt by physical menace to put another in fear of imminent physical pain or injury.

A student who assaults or commits a physical act of violence on another student or any school personnel will be given ten (10) days Out-of-School Suspension (O.S.S.) and will be referred to the Board of Education of the School District of the City of Erie for discipline up to and including expulsion. Charges must be filed with the appropriate law enforcement agencies. A conference will be held with the parents, student, and appropriate staff. **The student who is expelled may not participate in any school events, including proms and graduation.**

- B. ATTENDANCE - "Attendance" is the presence of a student on days school is in session. "Absence" is the failure of a student to attend school on those days, half days and hours school is in session. Attendance shall be required of all students enrolled in the schools during the days and hours that school is in session, except when the absence is "excused" as set forth below.

1. **POLICY STATEMENT:** The Board of Directors of the School District of the City of Erie, Pennsylvania requires that school-aged students enrolled in the schools of this District attend school regularly in accordance with the laws of the state. The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation. The regular contact of students with one another in the classroom and participation in well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose. As the Board believes there is an educational nexus between classroom presence and grading and that class attendance is relevant to the pupils' overall performance and grades, it is the policy of the Board that pupils who are "truant" or have missed class due to unexcused or illegal absences will receive a "0" for the class for the days which were actually missed by the pupil.

2. **EXCUSED ABSENCE** - An "excused absence" includes the absence of a student for any of the following reasons:

- a. **Illness**—If ill, the student must obtain a pass from the teacher to see the nurse. If necessary, a parent will be contacted by the nurse and the student

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is given written permission to be excused to go home. The nurse must inform the attendance office of the illness. Additionally, the school administration may require that a student provide a medical statement or excuse from a licensed practitioner of the healing arts for every absence from school subsequent to that student having accumulated absences of ten (10) school days in any school term. Failure to provide the requested medical excuse may result in such absence being classified as unexcused and/or unlawful depending upon the age of the student. Forms for medical excuses are available in the school office.

- b. Death in the family
- c. Religious holidays and religious instruction (with religious instruction limited to a total of not more than 36 hours per school year)
- d. Impassible roads
- e. Emergency
- f. Delay or absence of school bus
- g. Educational tour/trip
- h. Quarantine
- i. Family vacation - forms are available in the main office and counselors' office. Two weeks' notice is required.
- j. Court appearance
- k. College visitation
- l. Junior/Senior excusal for interviews— When students have a written invitation or appointment to go for a job interview, college admission, nurses' training, trade or technical school as well as other post high school plans, they may be excused for a total of three (3) days during their Junior/Senior year. The student is to obtain a permission slip from the appropriate guidance counselor and have this completed before the day she/he is to be excused. After the appropriate counselor gives permission, the counselor sends a copy of the same to the attendance secretary. For early morning appointments, the request from the parent may be brought the day prior to the appointment.
- m. Dental and Medical Appointments-- Students who wish to leave the school for dental or medical appointments are required to bring a note from the parent and an appointment card from the doctor to the school office for written approval by the appropriate administrator to be excused from class. This should be done before the homeroom bell on the day of the

appointment. STUDENTS/PARENTS ARE ASKED TO SCHEDULE MEDICAL APPOINTMENTS AFTER SCHOOL AS MUCH AS POSSIBLE. For early morning appointments, the request from the parent may be brought the day prior to the appointment. The approved excuse is then taken to the Attendance Office where the student's name is entered on the sign-out sheet and an excusal form is given to the student. The student should request that the doctor sign, date, and give the time of the appointment. **This form must be returned to the Attendance Office upon the student's return to school, or the absence from school will be considered UNEXCUSED.** When a student returns from an appointment, she/he will receive an admit slip to class from the Attendance Office. This admit slip should be retained by the student and should be presented to and signed by all teachers whose classes were missed to verify the absence as excused. Students are expected to return to school from an appointment in a reasonable amount of time.

- n. Home Tutored Instruction--The parent must secure a form from the building principal for the doctor to complete. The form must be returned to the building administrator in charge of attendance. (The form will be sent to the Director of Special Education and it must be approved by the Director of Special Education).

All home tutored assignments, books, materials and return of materials must be coordinated through the appropriate counselor, who works directly with the Director of Special Education and Data Services.

Excused absences are not to be considered perfect attendance. The only exceptions to this policy are: school related field trips, sports, absence from school for religious instruction, and the days when there is severe weather whereby the Superintendent says to the parents via the media, "Use your discretion in sending your child to school." No other exceptions are made.

Parents are requested to call the Attendance Office by 9:00 AM to verify all excused absences or excused tardies. When a student returns to school, she/he presents a written note to the homeroom teacher giving the **student's full name, grade, and homeroom, listing the dates of absence and detailing the reason(s) for the absence. The parent or guardian signs and dates the note and indicates the home phone number.**

- 3. **UNEXCUSED ABSENCE** – An "unexcused absence" is the absence of a student who is beyond compulsory school age (17 years or older) for one of the following reasons:
 - a. Parental neglect - parent knows of the absence (examples: unauthorized trips, baby-sitting, errands, housework, oversleeping).

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- b. Truancy - leaving school during school hours without school authorization *or absence from school for reasons other than those defined as legally excused.*
- c. Hunting

Disciplinary consequences for unexcused absences are as follows:

- (1) First Offense - Saturday Detention. A conference will be held with the parent, student and appropriate staff. A "0" will be given in all classes in which a student has an unexcused absence.
- (2) Second Offense - three (3) days Program for After-School Suspension. (P.A.S.S.) A conference will be held with the parent, student, and appropriate staff. The counselor will design and monitor an individualized plan for student achievement. A "0" will be given in classes in which a student has an unexcused absence.
- (3) Third and Succeeding Offense - five (5) days Program for After-School Suspension. (P.A.S.S.) A conference will be held with the parent, student and appropriate staff. A "0" will be given in classes in which a student has an unexcused absence.

Students who are beyond compulsory education age are not subject to the truancy provisions of the Pennsylvania Public School Code. However, the administrative response to unexcused absences, in addition to the disciplinary consequences outlined above, shall be as follows:

- (1) After three (3) days of unexcused absences, the school shall notify the parent, in writing, of the unexcused absence. This shall be the first warning.
 - (2) When the next unexcused day of absence occurs, the school shall notify the parent of the unexcused absence and request the parent to attend a conference to discuss the reasons for the absence. The parent, student, and school administrator shall agree on a pattern of regular school attendance. As a result of this conference, the attendance of the student will be monitored for a period of twenty (20) school days.
4. **ILLEGAL ABSENCE** An "illegal absence" is an absence from school for all students of compulsory school age (8 - 16 years) for reasons other than those defined as "legally excused."

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- a. First Offense - Saturday Detention. A conference will be held with the parent, student and appropriate staff. A "0" will be given in all classes in which a student was illegally absent.
 - b. Second Offense - three (3) days Program for After-School Suspension. (P.A.S.S.) A conference will be held with the parent, student, and appropriate staff. The counselor will design and monitor an individualized plan for improving achievement. A "0" will be given in all classes in which a student was illegally absent.
 - c. Third and Succeeding Offense - five (5) days Program for After-School Suspension. (P.A.S.S.) A conference will be held with the parent, student, and appropriate staff. Referral will be made to Children and Youth Services, and a Truancy Report filed. Police contact may be made. A "0" will be given in all classes in which a student was illegally absent.
5. **TRUANCY**—In addition to any disciplinary consequences imposed by the School District on students who have acquired illegal absences, compulsory aged students (years 8-16) must comply with the compulsory education/truancy provisions of the Pennsylvania Public School Code. The following procedure will be followed:
- a. First Notice—A First Notice shall be served on the student's parent(s)/guardian as soon as a student has accumulated three (3) days of illegal absences. It remains a First Notice until three (3) calendar days have elapsed after legal notice has been served on the parent(s)/guardian.
 - b. Second Notice—The next illegal absence after the First Notice is closed becomes a second offense and the appropriate administrator will serve a Second Notice on the student's parent(s)/guardian. Upon serving the Second Notice on the student's parent(s)/guardian, charges will be filed with the District Justice.
 - c. Hearing before District Justice—After charges are filed with the District Justice, the student's parent(s)/guardian will receive notice of a hearing before the District Justice. Both the truant child and the parent(s)/guardian must appear at the hearing. If the parent(s)/guardian show that they took reasonable steps to ensure the attendance of the child, they will not be convicted of a summary offense.
- (1) Upon conviction of a summary offense for failure to comply with compulsory attendance laws, the truant student's parent(s)/guardian will be sentenced to pay a fine, not to exceed three hundred dollars (\$300.00), and must pay court costs or be sentenced to complete a parenting education program.

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- (2) If the parent(s)/guardian are not convicted, and the child continues to be truant and has reached the age of thirteen (13), and has been convicted to violating the compulsory attendance laws:
 - (a) the child can be fined up to \$300.00 or be assigned to an adjudication alternative program; and
 - (b) the Pennsylvania Department of Transportation (PennDOT) will suspend the child's driving privileges for 90 days.
 - (c) If the child is convicted of a second or subsequent violation, PennDOT will suspend the child's driving privileges for six months.
 - (d) If the child convicted of a violation of compulsory attendance laws is unlicensed, that child will be ineligible to apply for a learner's permit or driver's license for 90 days after a first offense, or for six months after a second or subsequent offense. If the child is under sixteen years of age when convicted, suspension of operating privileges will commence upon the child's sixteenth birthday.

6. MISCELLANEOUS PROVISIONS RELATING TO ATTENDANCE

a. HALF-DAY ABSENCE

- (1) All schools will use 11:35 AM as the cut-off point between the AM and PM sessions.
- (2) Tardies will be recorded up to the first thirty (30) minutes in each AM or PM session. (Ex. Absences from 8:10 to 8:40 are recorded as tardy. Absences from 11:35 to 12:05 are recorded as tardy.)
- (3) Students reporting to school after the thirty-minute time limit for tardies will be counted as absent for the half-day session missed and an excuse will be required. Students who are excused early and return to class are not to be marked absent.
- (4) Students excused to leave the building, but not returning to attend the PM session, will be counted absent for that session and an excuse will be required.

- b. **PARTICIPATION IN SCHOOL ACTIVITIES** - Any student not in school by 11:35 AM WILL NOT BE PERMITTED to participate in any school activity that day. This rule does not apply to those students who receive pre-approval from the appropriate school administrator for the reasons stated above, or other reasons as determined by the administration.

c. TARDINESS

- (1) **Homeroom** - The **homeroom teacher** will document on the student's scan sheet when a student accumulates three (3) unexcused tardies for homeroom (excused/unexcused is verified by giving the student three (3) days to bring in the excuse and determining if the excuse is "excused" or "legal.")
- (2) **School/Class** - A student who is tardy to school after homeroom must report directly to the Attendance Office where a tardy/excuse form will be completed and given to her/him. This form must be presented to all teachers by the student for their signature.

ANY STUDENT WHO DOES NOT REPORT TO HOMEROOM OR THE ATTENDANCE OFFICE BUT ATTENDS CLASS WILL BE COUNTED AS IF ILLEGALLY ABSENT (OR UNEXCUSEDLY ABSENT) FOR THE DAY.

- (3) **Unexcused tardies** after homeroom to school or class will be dealt with as follows:
 - (a) First, second, fourth, sixth, seventh, ninth unexcused tardy - Teacher Detention will be assigned by the homeroom/classroom teacher.
 - (b) Third unexcused tardy - student is referred for Administrative Detention (after school).
 - (c) Fifth unexcused tardy - Saturday Detention. Conference with student, parent and appropriate staff.
 - (d) Eighth unexcused tardy - three (3) days Program for After-School Suspension (P.A.S.S.) Conference with student, parent, and appropriate staff. The counselor will design and monitor an individualized plan for improving student achievement.
 - (e) Tenth unexcused tardy and repeat offenders - five (5) days Program for After-School Suspension (P.A.S.S.) Conference with student, parent, and appropriate staff.

Repeat offenders may be referred to the Student Assistance Program or to the District Justice for legal action.

Should a student be tardy for an excused reason, she/he must, within two (2) school days, make up whatever work was missed during this time or she/he will be given a "0".

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- d. **HOMEWORK AND ASSIGNMENTS**—When a student is absent (excused), a homework assignment request must be made by parents through the appropriate counselor. At least one day (24 hours) prior notice should be given for instructors to gather all materials requested.

Requests are presented to teachers by the appropriate counselor. Teachers will then send assignments to the appropriate counselor. The counselor will document that the assignments were received and given to the secretary. Parents may pick up assignments in the office during regular school hours.

After returning to school, the student will have no more than then (10) school days to complete all schoolwork.

- e. **LEAVING WITHOUT PERMISSION** - Unless the student has a Parent Permission Form signed by the parent, she/he is not to leave the building for any reason. (If the student forgot to return the permission form, an administrator may call the parent, documenting permission received by phone.) The Permission Form must be approved by the appropriate administrator and taken to the Attendance Office. The Attendance Office will verify the permission slip with the parent/doctor and issue an early excusal slip. This slip should be retained by the student and should be presented to and signed by all teachers whose classes are missed to verify the absence as excused.

Under **no** circumstances should a student call home and ask her/his parents to come and take her/him home. When necessary such calls should be made by the school nurse or the appropriate administrator.

A student found to have left school property without **written** permission by the appropriate administrator will be considered illegally absent or unexcusedly absent, as defined above, for the time not in attendance. . Again, a "0" will be given for all classes for which the student is illegally or unexcusedly absent.

- f. **CLASS CUT** - absence from class without the knowledge and prior written permission of the teacher whose class will be missed. The teacher who requests the presence of the student should write the note and give it to the student to get the required signature.
- (1) First Offense - Saturday Detention. A conference will be held with the parent, student and appropriate staff. A "0" will be given in all classes from which the student was absent.
 - (2) Second Offense - three (3) days Program for After-School Suspension. (P.A.S.S.) A conference will be held with the parent, student and appropriate staff. The counselor will design and monitor an individualized plan for improving student achievement.

A "0" will be given in all classes from which the student was absent.

- (3) Third and Succeeding Offenses - five (5) days Program for After-School Suspension. (P.A.S.S.) A conference will be held with the parent, student and appropriate staff. A "0" will be given in all classes from which the student was absent. Charges may be filed with the appropriate law enforcement agencies. Possible fine and court costs.

g. **WITHDRAWAL**—If a student is absent from school for ten consecutive school days, that student shall be removed from the active membership roll unless one of the following occurs:

(1) The District has been provided with evidence that the student's absence may be legally excused, OR

(2) Compulsory attendance prosecution has been or is being pursued.

C. CHEATING/PLAGIARISM

1. **CHEAT** - to deceive, deprive by fraud, pretend, or obtain property by distortion of the truth, swindle, or all the above.
2. **PLAGIARIZE** - to steal and pass off as one's own the ideas or words of another; to present as one's own idea or product derived from an existing source.
 - a. First Offense - any student observed or found guilty of cheating, that is copying, aiding or abetting another student or plagiarizing another's work will receive a "0" for the assignment/ test. Saturday Detention will be assigned. A conference will be held with the parent, student., and appropriate staff.
 - b. Second Offense - will result in failure of the course for the marking period. The student will be given a minimum of three (3) to five (5) days in the Program for After-School Suspension. (P.A.S.S.). The student will be referred to the Student Assistance Program. A conference will be hold with the parent, student, and appropriate staff.
 - c. Third Offense - student will be given a minimum of five (5) days in Out-of-School Suspension (O.S.S.). A conference will be held with the parent, student, and appropriate staff.

D. CLASSROOM/LABORATORY SAFETY

1. Classroom/laboratories include but are not limited to Science, Family and Child Development, Design for Everyday Living, Vocational and Technology Shops, Art, Physical Education and all other classrooms.

2. Violation of laboratory safety practice shall include any actions which endanger oneself or others.
 - a. First Offense - student will be removed from one laboratory class. No credit will be given for the lab/class for that day. A "0" will be given for the class. Saturday Detention will be assigned. A conference will be held with parent, student, and appropriate staff.
 - b. Second Offense - student will be given three (3) days in Program for After-School Suspension (P.A.S.S.). No credit will be given for the lab/class for that day. Students will be referred to Student Assistance Program (SAP). A conference will be held with parent, student, and appropriate staff.
 - c. Third Offense - student will be given three (3) to ten (10) days Out-of-School Suspension (O.S.S.). No credit will be given for the lab/class for that day. Referral to Alternative Education. A conference will be held with parent, student, and appropriate staff.

If a violation is very serious, the student is removed from the laboratory and will be treated either as a second or third offense. A conference will be held with the parent, student, and appropriate staff.

E. COMPUTER MISUSE – a student's use of the District's computers and Internet resources is a privilege, not a right. In addition to the following requirements, students are required to abide by the rules and regulations set forth in the District's "Computer/Internet Acceptable Use Policy." Students, and their parents/guardians, are notified of the contents of the "Computer/Internet Acceptable Use Policy" at the start of each school year and its contents are hereby incorporated by reference in this Discipline Policy. The disciplinary consequences for a violation of the Computer/Internet Acceptable Use Policy are as follows:

1. Students will be notified of each alleged violation of the Computer/Internet Use Policy and will be given an opportunity to respond to the allegation.
2. Depending on the severity of the violation of the Computer/Internet Acceptable Use Policy, students face disciplinary consequences ranging from warning to loss or privilege of use of the Internet/District computers to one of the following:
 - a. First Offense - any student caught in files other than his/her own, attempting to break into files, or otherwise violating the School District Internet Acceptable Use policy will be assigned a minimum of five (5) days in Program for After-School Suspension. (P.A.S.S.). A conference will be held with the parent, student, and appropriate staff.
 - b. Second Offense - student will be assigned three (3) to five (5) days O.S.S. Charges may be filed with the appropriate law enforcement agencies. A conference will be held with the parent, student, and appropriate staff.

- c. Third Offense - student will be assigned five (5) to ten (10) days of Out-of-School Suspension. A conference will be held with the parent, student, and appropriate staff. Charges may be filed with the appropriate law enforcement agencies. Possible referral to Board of Education for further discipline up to and including expulsion. Possible loss of the privilege to use District computers and/or Internet resources.
3. Suspicion of a student's illegal use of the Internet or District computers, such as copyright violations, theft of services, using the system to publish defamatory statements, may be reported to the appropriate legal authorities for possible prosecution.
4. Students are responsible for damages to the equipment, systems, and software resulting from deliberate or willful acts.

F. DETENTION - Failure to report - According to policy regarding detention, depending upon the offense, a student may also be assigned for more than one detention.

The above reasons for detention will be used whether or not a student walks or rides a school bus. Where a student rides a school bus, the parent must make other provisions for the transportation after detention. A twenty-four (24) hour notification will be given to parents so that arrangements may be made for proper transportation.

Students will not be kept in detention nights when weather creates a hazard to their health and/or safety.

The student will be assigned a date for detention. Failure to serve the detention will result in Administrative Detention, Saturday Detention or three (3) days in P.A.S.S.

G. DISORDERLY CONDUCT - fighting, threatening, engaging in violent behavior, making unreasonable noise, using obscene language or gestures, creating a hazardous or physically offensive condition for no legitimate reason, for the purpose of creating public inconvenience, annoyance, or alarm.

1. First Offense - minimum five (5) days Out-of-School Suspension (O.S.S.) for all involved. Referral to Student Assistance Program (SAP). A conference will be held with parent, student, and appropriate staff. Charges may be filed with the appropriate law enforcement agencies.
2. Second Offense - ten (10) days Out-of-School Suspension (O.S.S.) for all involved. A conference will be held with parent, student, and appropriate staff. Charges will be filed with the appropriate law enforcement agencies. Referral to the Alternative Education Program.
3. Third Offense -ten (10) days Out-of-School Suspension (O.S.S.). Recommendation for Alternative Education Program. A conference will be held with parent, student, and appropriate staff. Charges will be filed with the appropriate law enforcement agencies. Depending on the severity of the

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behavior, student may be referred to the Board of Education of the School District of the City of Erie for discipline up to and including expulsion.

H. DISREPECT – a lack of respect or deference shown by a student to the authority or position of a District official or employee.

1. First Offense - one (1) Saturday Detention. Parent contact will be made via a telephone call or written notice.
2. Second Offense - minimum three (3) days Program for After-School Suspension Program (P.A.S.S). Referral to Student Assistance Program (SAP). A conference will be held with the parent, student, and appropriate staff.
3. Third and, Succeeding Offense - minimum of three (3) to five (5) days Out-Of-School Suspension Program (O.S.S.). A conference will be held with the parent, student and appropriate staff.

I. ELECTRONIC DEVICES - telephone pagers, cellular phones, head phones, radios, video games or similar devices.

1. The possession or use of telephone pagers or cellular phones on school grounds, in school vehicles, and at school-sponsored activities is prohibited. Such devices will be confiscated by an administrator. Confiscated devices may be returned to a parent/guardian.
 - a. First Offense - After-School Detention. Parent to pick up the electronic device. A conference will be held with the parent, student, and appropriate staff.
 - b. Second Offense - Saturday Detention. Parent to pick up the electronic device. A conference will be held with the parent, student, and appropriate staff.
 - c. Third and Succeeding Offense - three (3) days Program for After-School Suspension (P.A.S.S.). Parent to pick up the electronic device, A conference will be held with the parent, student, and appropriate staff.
2. Headphones/radios and video games are not to be used or worn in school. (NOTE: Some schools permit students to wear headphones/radios to school. Students are requested to remove such items upon entrance to the building and immediately place them in their personal lockers until they leave the building at the end of the day.) If a student is guilty of this offense, the headphone, radio or video game will be confiscated and kept in the office. An immediate conference will be held with parent, student, and appropriate staff, and the article may be returned to the parent.

J. ENDANGERMENT (ARSON, BOMB THREAT, RIOT AND OTHER RELATED ACTIONS) - deliberate conduct which recklessly causes another person to be placed at risk of death or serious injury.

1. **ARSON** - the deliberate starting of a fire or explosion, or helping, asking, or telling another person, to start a fire or explosion, which could or does place property in danger of being damaged or a person (including a fire fighter) in danger of injury.

Disciplinary consequence: Any student found guilty of setting a fire or assisting in setting a fire on school property will receive ten (10) days of Out-of-School Suspension and arson charges will be filed with the appropriate law enforcement agencies against her/him by the School District of the City of Erie. The student will be recommended for an Alternative Education Program or will be referred to the Board of Education of the School District of the City of Erie for discipline up to and including expulsion. A conference will be held with the parent, student, and appropriate staff. Restitution must be made.

2. **BOMB THREAT** - a threat to detonate an explosive device or a statement that such a device is located in a place where explosion may cause injury to people or damage to property, made to public or school authorities, regardless of whether such an explosive device exists. (NOTE: This does not include informing public or school authorities of such threats or statements made by another person for the purpose of allowing such authorities to take appropriate safety precautions.)

Disciplinary consequence: Any student found guilty of making a bomb threat or other serious related activities will be filed with the appropriate law enforcement agencies against her/him by the School District of the City of Erie. The student will be referred to the Board of Directors of the School District of the City of Erie for discipline up to and including expulsion. A conference will be held with the parent, student and appropriate staff. Charges must be filed with the appropriate law enforcement agencies.

3. **RIOT** - disorderly conduct by three or more persons for the purpose of committing or facilitating the commission of a crime, for the purpose of preventing or coercing official actions, or when the actor knows a firearm or deadly weapon will be used.

Disciplinary consequence: Any student found guilty of inciting or participating in a riot will be given ten (10) days Out-of-School Suspension (O.S.S.) with a recommendation for an Alternative Education Program or will be referred to the Board of Education of the School District of the City of Erie for discipline up to and including expulsion. Charges will be filed with the appropriate law enforcement agencies. A conference will be held with the parent, student, and appropriate staff.

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4. **SETTING OFF FALSE FIRE ALARMS -**

Disciplinary consequence: Any student found guilty of setting off a false fire alarm will receive ten (10) days of Out-of-School Suspension (O.S.S.) and charges will be filed with the appropriate law enforcement agencies against her/him. The student will be recommended for an Alternative Education Program or will be referred to the Board of Education of the School District of the City of Erie for discipline up to and including expulsion. A conference will be held with the parent, student, and appropriate staff. Restitution must be made.

5. **TAMPERING WITH FIRE EXTINGUISHERS -**

Disciplinary consequence: Any student found guilty of tampering with a fire extinguisher will receive a minimum of ten (10) days of Out-of-School Suspension (O.S.S.) and will be required to pay the cost of refilling it. The student will be recommended for an Alternative Education Program or will be referred to the Board of Education of the School District of the City of Erie for discipline up to and including expulsion. A conference will be held with the parent, student, and appropriate staff. Charges will be filed with the appropriate law enforcement agencies.

K. EXTORTION - to obtain money, property or articles by threat or force. Depending on the severity of the incident, extortion will result in a penalty which may range from a minimum of five (5) to ten (10) days Out-of-School Suspension to recommendation for placement in an Alternative Education Program to referral to the Board of Education of the School District of the City of Erie for discipline up to and including expulsion. Charges will be filed with the appropriate law enforcement agencies. Restitution must be made. A conference will be held with the parent, student, and appropriate staff.

L. FALSE I.D. - intending to deceive by giving wrong identification.

1. First Offense - Saturday Detention. A conference will be held with the parent, student, and appropriate staff.
2. Second Offense - three (3) days Program for After-School Suspension (P.A.S.S.). Referred to the Student Assistant Program (SAP). A conference will be held with the parent, student, and appropriate staff. Charges may be filed with the appropriate law enforcement agencies.
3. Third Offense - five (5) days Program for After-School Suspension (P.A.S.S.). A conference will be held with the parent, student, and appropriate staff. Charges may be filed with the appropriate law enforcement agencies.

M. FIGHTING - any physical conflict between two or more persons.

1. First Offense - minimum three (3) days Out-of-School Suspension (O.S.S.) for all involved. Referral to Student Assistance Program (SAP). A conference will be held with parent, student, and appropriate staff.
2. Second Offense - minimum five (5) to ten (10) days Out-of-School Suspension (O.S.S.) for all involved. Referral to Student Assistance Program (S.A.P.). A conference will be held with parent, student and appropriate staff. Possible referral for Alternative Education Program. Charges may be filed with the appropriate law enforcement agencies.
3. Third Offense - ten (10) days Out-of-School Suspension (O.S.S.) and recommendation for Alternative Education Program will be referred to the Board of Education of the School District of the City of Erie for discipline up to and including expulsion. A conference will be held with parent, student, and appropriate staff. Charges will be filed with the appropriate law enforcement agencies.

Interference - Any student who interferes with a staff member trying to stop a fight will be treated as if fighting. Charges may be filed. A parent conference will be held during these days of suspension.

Agitate, Instigate, Intimidate, Rumor, Threaten - Any student provoking a fight - that is, agitating, instigating, intimidating, or spreading rumors so as to cause a fight, or threatening another student or any school personnel - will be dealt with in a similar manner as if fighting. Charges may be filed with the appropriate law enforcement agencies.

N. FORGERY - falsely and fraudulently making or altering a writing or other instrument.

1. First Offense- Saturday Detention. A conference will be held with the parent, student and appropriate staff.
2. Second Offense - three (3) days Program for After-School Suspension (P.A.S.S.). Referred to Student Assistance Program (SAP). A conference will be held with the parent, student, and appropriate staff.
3. Third and Succeeding Offense - minimum five (5) days Out-of-School Suspension (O.S.S.). A conference will be held with the parent, student and appropriate staff. Charges may be filed with the appropriate law enforcement agencies.

O. GAMBLING - the making of any bet or wager and/or the organization of or participation in any lottery, numbers game, pool, or bookmaking for money or property.

1. First Offense - Saturday Detention. A conference will be held with the parent, student, and appropriate staff.

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2. Second Offense - three (3) days Program for After-School Suspension (P.A.S.S.). Referred to Student Assistance Program (SAP). A conference will be held with the parent, student and appropriate staff. Charges may be filed with the appropriate law enforcement agencies.
3. Third and Succeeding Offense - minimum three (3) to five (5) days Out-of-School Suspension Program (O. & S.). Referred to Student Assistance Program (SAP). A conference will be held with the parent, student, and appropriate staff. Charges may be filed with the appropriate law enforcement agencies.

P. HARASSMENT - Harassment is a form of discrimination prohibited by federal and state law. Harassment includes, but is not limited to, unwelcome and offensive slurs, jokes or other verbal, graphic or physical conduct relating to an individual's race, color, religion, ancestry, national origin, age or handicap/disability which are so severe or pervasive in nature that they create, or pose a realistic threat of creating, an intimidating, hostile, disruptive or offensive educational environment. Harassment of and by students is not tolerated within the District. (Sexual harassment is further defined, below.)

- a. First Offense - Saturday Detention will be assigned. May be referred for Peer Mediation/ Conflict Resolution. Parent contact will be made.
- b. Second Offense - minimum three (3) days Out-of-School Suspension (O.S.S.). Referred to Student Assistance Program (SAP). Charges will be filed with the appropriate law enforcement agencies. A conference will be held with parent, student, and appropriate staff.
- c. Third Offense - minimum five (5) days Out-of-School Suspension (O.S.S.). Referred to Student Assistance Program (SAP). A conference will be held with parent, student, and appropriate staff. Charges may be filed with the appropriate law enforcement agencies. Depending in the severity of the harassing behavior, the student may be referred to the Board of Director's of the School District of the City of Erie for discipline up to and including expulsion.

Depending on severity, charges may be filed at any time.

SEXUAL HARASSMENT - any words, gestures, or conduct of a sexual nature, including sexual advances and requests for sexual favors, which the actor knows or should know are unwelcome by the person to whom they are directed.

- a. Sexual harassment is a form of sex discrimination prohibited by Titles VII and IX of the Civil Rights Act of 1964, as amended, and the Pennsylvania Human Relations Act. The following behavior constitutes prohibited sexual harassment for purposes of this policy:
 - (1) unwelcome sexual advances, or
 - (2) requests for sexual favors, or

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